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AUTHOR Blaschke, Charles L.
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ABSTRACT

The document reports findings on implementation of P.L. 94-142 (the Education for All Handicapped Children Act) in three local education agencies (LEAs) in State B, one of three states studied. An initial section discusses the conceptual model which was used to generate hypotheses, organize data, and analyze findings as LEAs implemented the major provisions of P.L. 94-142. In a second section, a brief description of the general state context in which the implementation process occurred at the LEA level is provided. Identified are major contextual and other variables which indicated the nature and extent of the state education agency influence over the LEAs. Finally, individual case studies of the three LEAs are presented. Considered for each LEA are the overall context in which the process is implemented, the specific activities and procedures used by the LEA to implement the major provisions, and the consequences and coping strategies which were observed over the 2 school years. Findings are reported in the following areas: childfind, assessment, placement/least restrictive environment, individualized education program, and due process/parent participation. (SBH)

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FINAL REPORT

SUBMITTED TO USOE/BEH

STATE B

CASE STUDY OF THE IMPLEMENTATION OF P.L. 94-142

16 MAY 1979

EDUCATIONTURNKEYSYSTEMS inc

1030 FIFTEENTH STREET, N. W.
WASHINGTON, D. C. 20005

EC 12 571

PREFACE

As part of its overall evaluation strategy, the Bureau of Education for the Handicapped contracted with Education TURNKEY Systems, Inc. to conduct a series of case studies of the implementation of P.L. 94-142 during school years 1977-78 and 1978-79. These case studies were conducted in three states and in three local education agencies (LEAs) in each state. While the general findings and cross-site comparisons are presented in the Executive Summary, this Background Report focuses upon State B and the three LEAs which participated in the study.

This Background Report is organized as follows. First, we discuss the conceptual model which was used to general hypotheses, organize date, and analyze findings as LEAs implemented the major provisions of P.L. 94-142. Second, we then briefly describe the general state context in which the implementation process occurred at the LEA level. Here, we identify major contextual and other variables which indicate the nature and extent of the SEA influence over the LEAs. Last, individual case studies of the three local education agencies are presented. For each local education agency we describe the overall local context in which the process is implemented, the specific activities and procedures used by the LEA to implement the major provisions, and the consequences and coping strategies which were observed over the two school years.

In preparing this background report, we have taken every precaution to protect the anonymity of respondents and the participating LEAs. Each of the participating state education agencies and LEAs were given the opportunity to comment upon the report; where appropriate, comments were integrated into the respective documents. All findings in this report have been documented or otherwise substantiated through informal discussions, interviews, and review of extant documentation.

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CHAPTER I
INTRODUCTION AND BACKGROUND OF THE STUDY

In 1975, Congress passed and the President signed into law P.L. 94-142, the Education for All Handicapped Children Act. This law guarantees to every handicapped child the right to a "free appropriate public education," regardless of his/her handicap.

Many of the provisions of this new law are contained in earlier legislation (e.g., P.L. 93-380, Section 504 of the Rehabilitation Act of 1973). Among the demands placed on SEAs (and in turn on LEAs) are childfind, non-discriminatory assessment, the development of an individualized educational program (IEP) for each handicapped child, placement of each handicapped child in the least restrictive environment (LRE), and the provision of due process procedures. All these provisions, except the IEP requirement, were contained in prior legislation.

The Bureau of Education for the Handicapped (BEH), U.S. Office of Education, has the responsibility for overseeing the implementation of P.L. 94-142. To carry out this responsibility, BEH has engaged in several activities to assist the states and to assess the initial impact of the Act. For example, the Bureau developed a series of multi-media packages designed to explain P.L. 94-142 to parents, to administrators, and to general audiences.

BEH also sponsored a series of studies on the initial impact of P.L. 94-142, including a four-state study of IEPs. The Bureau funded several multi-year studies of the first years of the implementation of P.L. 94-142: a four-year longitudinal study and this Case Study of the Implementation of P.L. 94-142.

The primary purpose of this Case Study is to identify and to explain to the greatest extent possible the consequences and effects of the implementation of P.L. 94-142 in nine LEAs selected from three states. The general questions addressed in the study are:

1. What are the consequences and effects of the implementation of P.L. 94-142 at the local level?

2. Which consequences can be attributed to P.L. 94-142 and which to SEA policies or other factors?
3. To what extent can consequences be explained by SEA and LEA contextual variables and by process/implementation variables?
4. Are there patterns of implementation of the major provisions of P.L. 94-142? In what orders are major provisions implemented, given that full implementation will not occur immediately?
5. What is the nature and extent of unintended consequences of the implementation of P.L. 94-142?

The three states were selected to provide variation in state progress toward full implementation of the Act; the LEAs were chosen to be representative of urban, suburban, and rural districts within each of the states. This Case Study provided rich data from a wide variety of settings on the consequences of implementation, which will be useful to both Congress and BEH.

To organize our collection and analysis of data, we have developed a model of the implementation process, which we present in the next section of this report. The descriptive information included in the remaining chapters of this report generally follow the conceptual model of implementation.

A Model for Assessing the Implementation of P.L. 94-142.

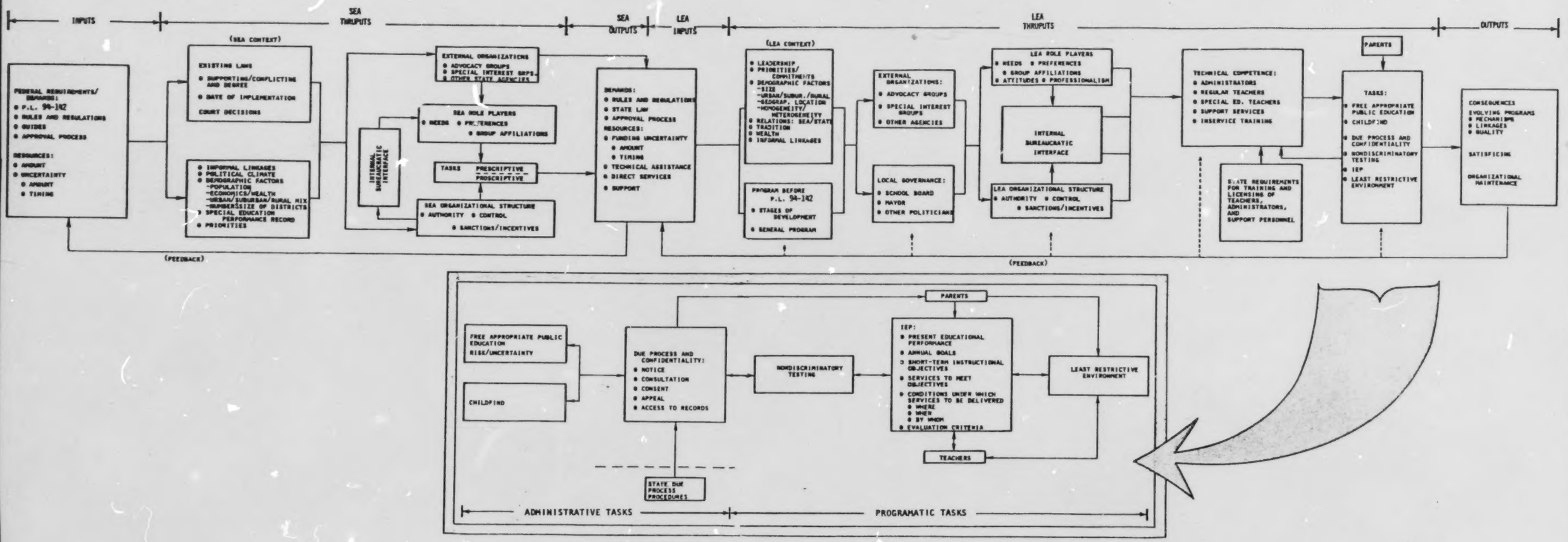
The model that we developed and modified over the period of the study served several purposes: (1) it provided a framework for our analyses; (2) it provided a basis for generating study questions and hypotheses; and (3) it allowed us to identify the relevant variables affecting implementation. This model is similar to the one developed by Milstein (1976) to explain Federal-state interactions. We have drawn upon the work of Easton (1965), Kirst (1972), Murphy (1971, 1973, 1974), Bailey and Mosher (1968), Weatherley and Lipsky (1977), and others in developing our model, which is presented in Exhibit 1.

This model includes elements external to the SEA and LEA, as well as internal elements of these systems. Van Meter and Van Horn (1975) note that economic, social, and political conditions "may have a profound effect on the performance of implementing agencies," although "the impact of these factors on the implementation of policy decisions has received little attention" (p. 471).

The SEA Implementation Model

Although the focus of this case study was on the consequences of implementation

CONCEPTUAL MODEL FOR THE IMPLEMENTATION OF P.L. 94-142



at the LEA level, an LEA's reactions to P.L. 94-142 will to a great degree be determined by how the SEA reacts to the law, by the demands the SEA places upon the LEA. We therefore have included the SEA as a major component of our model.

Inputs

Inputs to the SEA from the Federal level include demands and resources. The demands include the law (P.L. 94-142), the regulations drawn up by BEH, and the approval process. The resources are primarily the funding that goes from the Federal government to the states.

The Law and Regulations. P.L. 94-142 includes a number of provisions that must be adhered to by both SEAs and LEAs. These stipulations include:

- assurance of extensive child identification procedures;
- assurance of the "full service" goal and a detailed timetable;
- a guarantee of complete due process procedures;
- the assurance of regular parent or guardian consultation;
- maintenance of programs and procedures for comprehensive personnel development, including in-service training;
- assurance that special education will be provided to all handicapped children in the least restrictive environment;
- assurance of nondiscriminatory testing and evaluation;
- a guarantee of policies and procedures to protect the confidentiality of data and information;
- assurance of the development of an Individualized Educational Program for each handicapped child;
- assurance of an effective policy guaranteeing the right of all handicapped children to a free, appropriate public education, at no cost to parents or guardian; and
- assurance of a surrogate to act for any child when parents or guardian are either unknown or unavailable, or when said child is a legal ward of the state.

The SEA is responsible for monitoring compliance by its local school districts with respect to these various stipulations. The U.S. Commissioner of Education has corresponding monitoring responsibilities viv-à-vis SEA compliance.

Final regulations for P.L. 94-142 were published in August 1977; additional regulations concerned with the definition of learning disabilities were published in December 1977. These various regulations interpret the law for SEAs and LEAs, and detail procedures that must be followed, e.g., in developing IEPs, for due process, etc.

The Approval Process. Each SEA must submit a detailed Annual Program Plan to BEH; this plan must be approved before Part B funds are passed on to the state. The Plan must included several elements, including assurances to the U.S. Commissioner of Education that the state is following policies and procedures that will guarantee to each handicapped child a free, appropriate public education. BEH action on the Annual Program Plan for a state can range from rejection to parital or full approval.

Resources. P.L. 94-142 provides Federal funds to SEAs and LEAs based on the number of handicapped children from age 3 to age 21, multiplied by a percentage of the national average per pupil expenditure for elementary and secondary education. This percentage authorization increases from 5% for the 1977-78 school year to 40% for the 1981-1982 school year and for each year thereafter. Entitlement Legislation, however, has not ensured that the necessary funds will be appropriated by Congress.

During the 1977-78 school year, 50% of the funds that went to a state were passed through to LEAs; in subsequent years, 75% will be passed through. The SEA share may be used to provide direct services, but only 5% (or $200,000, whichever is greater) of the total may be retained by the state for administrative costs. Services must be provided to priority one children (those not currently served) and then to priority two children (those severely handicapped children who are inadequately served).

Funds provided under Part B can be used only to cover the excess costs of educating handicapped children, and cannot be used to supplant funds already available at the SEA or LEA level, unless the SEA can satisfactorily demonstrate to BEH that all handicapped children in the state are receiving "adequate" educational services; in this latter case, Part B funds may be used to supplant SEA and LEA funding.

Although the entitlement formula is quite clear, there continues to be uncertaintly about the specific amount to be appropriated and allocated, particularly during the early stages of implementation.

SEA Contextual Variables

Differences among states in providing education and related services to the handicapped are perhaps greater than for any other area of education. These differences can be explained to some degree by a number of contextual variables at the state level; state law, and political, economic, and social variables.

State Law. Almost all states have passed legislation that is similar to, if not identical with, P.L. 94-142. In some states, legislation was passed in anticipation of the implementation of P.L. 94-142; in other states, legislation preceded passage of the Federal law. We would expect that implementation of P.L. 94-142 would be facilitated in states where the law is very similar to the Federal law. Three factors limit this hypothesis, however. First, state legislatures may be unwilling to appropriate sufficient funds to implement the state law fully. Second, state laws may not be comprehensive enough, or may actually conflict with other state statutes. Third, implementation of P.L. 94-142 will not be facilitated if the state law will not be fully implemented for several years after the Federal law becomes effective. Court decrees can drastically alter a state's approach to educating the handicapped or can speed up a timetable for implementation of the state law.

Political, Economic, and Social Variables. Demographic factors will exercise a great deal of influence on the implementation process. States dominated by suburban districts, for example, will operate differently from those dominated by urban or rural districts. Wealthy states will provide different services from poorer states. States with large minority populations have different problems to face compared with states with small minority populations.

One very important factor at the state level is the informal linkages, both between the Federal government and the SEA and within the state government. Another very important factor is the political climate in the state--the role of the governor and the state legislature and their influence or authority over SEA. In many states, the governor appoints the state board of education; in others, the board is elected. In some states, the state superintendent is appointed by the board, in others elected state-wide, and in still others appointed by the governor.

Two final contextual variables will influence a state's implementation of P.L. 94-142; the state's prior performance in special education and the state's priorities. What a state has done in special education may have little

to do with the state law; a law that mandates education for the handicapped but that is not enforced or funded will not lead to quality services to the handicapped. A state's priorities will also affect services to the handicapped; a state can emphasize or de-emphasize special education, and it can stress different provisions of P.L. 94-142 to be implemented.

SEA Thruputs

The implementation process is greatly affected by external influences on the SEA, by the SEA's organizational structure, and by the SEA role players.

External Organizations. The influence of advocacy groups on special education will vary greatly among states, as reflected in the evolution of state laws and policies over the past decade. In some states, for example, the Association for Retarded Citizens may be the most active group; in other states, the Association for Children with Learning Disabilities will be active. The influence of these groups will be felt formally through such activities as lobbying and informally through professional associations and personal relationships with SEA role players.

Special interest groups can also be very influential at the state level. The most important of these are likely to be teachers' or administrators' unions; taxpayers' associations may also be very active. Parent groups separate from the various advocacy groups can be important at the state level.

A third major external force at the state level are other state agencies that have in the past provided services to the handicapped; these might include departments of mental health, mental retardation, human services, etc. P.L. 94-142 requires the SEA to supervise all educational and related services provided by these other agencies. These other agencies may seek to retain control over their traditional functions. Some states have created new "LEAs" within these agencies to meet the supervisory requirement of the Federal law. One effect of this may be an actual reduction in services to the handicapped in the short run as state agencies reduce such services because the SEA has the legal responsibility to provide the services. The SEA, however, may not have the authority or the resources to meet these responsibilities.

SEA Role Players. The roles of SEA officials involved in the implementation of P.L. 94-142 will be influenced by several factors: by both subordinate

bureaucratic tendencies and superordinate leadership and management, as well as by individual needs, preferences (when discretion is allowed), affiliations, and professionalism.

Professional ties are extremely important in special education, perhaps more so than in almost any other area of education. This has led to distinct divisions in state bureaus and to the establishment of informal networks that function within the formal structure.

The tremendous growth of special education in recent years has resulted in the concomitant growth of relevant agencies at the state level, which in some instances has threatened other bureaucracies within the SEA. The great demands of P.L. 94-142, coupled with growing resources, have given SEA special education personnel even greater opportunity to use their discretion in determining priorities.

Group affiliations in special education tend to form along lines of expertise rather than function (e.g., learning disabilities specialists, speech therapists, etc.). These coalitions have a great impact in inter- and intra-agency bargaining for resources.

SEA Organizational Structure. The authority of the SEA to carry out its responsibilities under P.L. 94-142 may be limited by law or by tradition. The SEA's relationship with other state agencies may be ambiguous, and there may be no mechanism to coordinate services to the handicapped at the state level unless informal structures exist.

Structures for implementing P.L. 04-142 may range from existing divisions to newly-created units; the former situation prevails in most states. Here, risk aversion, the use of standard operating procedures, and bargaining among coalitions explain much of the implementation process.

SEA control structures range from regulations to program and financial audits of LEAs. The zeal with which such governance is pursued varies from state to state, however, if for no other reason than that the amount of Federal funds going to LEAs under the Act is small relative to the amount of state and local funds being used to finance the education of the handicapped. The SEA's ability to control the LEAs also varies; traditional concepts of superior-subordinate do not apply here because we are dealing with independent organizations, not with individuals within an organization (see Van Meter & Van Horn, 1975).

SEA governance over LEAs is further influenced by the sanctions the SEA perceives the Federal government can and will impose upon the state.

Outputs

The outputs from the SEA level are of two types, demands and resources. These outputs in turn become the inputs to the LEA level, and are discussed in the next section.

The LEA Implementation Model

Inputs

The inputs to the implementation process at the LEA level include the outputs from the SEA level: the state law (discussed above), regulations, and the approval process; and funding, technical assistance, direct services, and general support.

Demands. The states make demands of their LEAs in the form of regulations and the approval process. Regulations will affect several of the tasks required of the LEAs under the Act; these will be dealt with below (e.g., IEPs, LRE, etc.). An LEA must apply to the SEA for approval of its program for the handicapped before it receives any funds under P.L. 94-142.

Resources. One of the strongest influences upon an LEA's provision of education for the handicapped is the state funding formula. An LEA will typically receive funds from the state based on the number and/or types of children it has receiving special education services. Some funding formulae encourage mainstreaming, others, self-contained special classes. In the latter case, fiscal incentives could conflict with the LRE requirements of P.L. 94-142.

The technical assistance provided by the SEA to LEAs will affect some aspects of local implementation. If the SEA is unable or unwilling to provide such services, however, this will place another burden on the LEA, which will either have to obtain this assistance from other sources or do without.

The state also provides direct services, e.g., it maintains institutions for various types of handicapped individuals. Typically, these institutions will serve severely and/or multi-handicapped individuals.

Another very important resource provided by the SEA is general support for the LEAs. If a local director of special education services, for example, cannot obtain necessary local resources to maintain a particular program, the SEA's intervention with the local superintendent may be instrumental in obtaining these resources.

LEA Contextual Variables

Although state law may mandate education of some or all handicapped children, the actual services provided to these children will vary greatly from one part of the state to another, depending upon a variety of contextual factors.

Program Before P.L. 94-142. LEAs vary greatly in the proportion of their total enrollments receiving special education services. These differences in service rates, however, do not mean that the quality of services is inappropriate to the community. The incidence of handicapping conditions varies greatly across communities. How P.L. 94-142 is implemented at the LEA level will depend in large measure upon the match between the existing local programs and the requirements of the Act, as filtered through state rules and regulations. If the existing program substantially meets the requirements of P.L. 94-142, implementation will be relatively smooth and successful. If there is a great deal of disparity between the program and the Act, however, implementation will be difficult and probably incomplete. As Wilken and Callahan (1976) noted, "Achieving a better match between special education needs and services depends heavily on the willingness of law-makers to develop public policy which is much more sensitive to variation in the ability and inclination of localities to educate the handicapped" (p. 7; emphasis added).

A district's special education program generally goes through three major stages of development as it is implemented. First, an LEA will establish the mechanisms required by the legislation. In the case of P.L. 94-142, this stage includes setting up childfind procedures, assessment procedures, placement committees, etc. Second, linkages between special education services and other segments of the school system will be established. Resource room teachers will coordinate their efforts more closely with those of regular classroom teachers, for example. Communications with other divisions within the LEA (e.g., remedial reading, Title 1, vocational education, etc.) will occur. These first two stages are essentially concerned with developing new organizational structures. Third, there will be a focus on the quality of individual children's programs. In this stage, staff are concerned with the relationship between programming and a child's needs. The degree to which an LEA implements P.L. 94-142 depends to a great extent on the stage of development the existing special education program was in before implementation.

Political, Economic, and Social Variables. Many local characteristics affect both the quantity and the quality of special education services provided by the LEA. One important variable is the public schools priorities and commitment to educating the handicapped. Some communities, for example, view this as a private, rather than a public, responsibility.

The size and type of a district will have a tremendous influence on its education of the handicapped. Some small districts may have a great deal of difficulty in implementing P.L. 94-142, primarily because they have small numbers of handicapped children. It will not be economically feasible for such districts to hire the trained personnel needed to educate these children. Some large, inner-city LEAs may also have difficulty in implementation because of the very large numbers of handicapped pupils in these districts and the limited resources available to educate them. Many urban districts are faced with eroding tax bases, rising labor costs, and shrinking rather than growing budgets. Such districts also have very large bureaucratic structures in which children may become "lost" for varying periods of time.

Closely related to the size of an LEA is the type of community it serves: urban, suburban, or rural. Other things being equal, "smoother" implementation of P.L. 94-142 can be anticipated in suburban districts. The reasons for this are found in many of the other variables that operate at the local level: size, wealth, the influence of external groups, and the professionalism and organizational structure of the LEA. Suburban districts are usually neither too small nor too large; they are generally wealthier than are most rural or urban districts; parents of the handicapped tend to be relatively well educated and well organized; there is a high degree of professionalism among LEA personnel; and the lines of authority and responsibility within the LEA are clearly drawn in most cases.

The homogeneity of an LEA is a very important determinant of special education services in some states. Wilken and Callahan (1976) found that in Maryland, for example, differences in district wealth had a far less pronounced effect on special education services than in Massachusetts. School districts in the former are county-based; hence, local differences in special education services tend to be washed out. In the latter, on the other hand, districts are relatively small and homogeneous; differences between districts therefore

tend to be emphasized.

Wealth and tradition also explain the type and quality of services provided to the handicapped. Wealthier districts generally will provide more and better services than will poorer districts, although there are many exceptions to this r le. If a district does not have a tradition of educating the handicapped, programs will be limited during the initial stages of implementation of P.L. 94-142 than if the district has such a tradition. LEA leadership will be instrumental in the former case: if superintendents and other administrators are committed to special education, programs will probably be established more quickly than if there is no such commitment.

Informal linkages are as important at the LEA level as they are at the SEA level. Communications within the LEA and between the LEA and other agencies are necessary if services are to be provided to the handicapped; such communications may be more effective if they are informal than if they are formalized.

LEA Thruputs

Implementation of P.L. 94-142 at the local level is affected by a number of thruputs: external influences, local governance, LEA role players, LEA organization structure, the technical competence of the LEA, and the specific tasks required under the Act.

External Organizations. External organizations (advocacy groups, special interest groups, and other local agencies) will often have a greater impact on the LEA than they do on the SEA. Local branches of advocacy groups (e.g., Associations for Retarded Citizens) may exert pressure on the LEA to provide full services for handicapped children. These groups can also provide assistance to the LEA, particularly in placing handicapped children outside the LEA or in providing supplementary resources for those children whose primary placement is within the LEA. In some districts, these groups actually operate programs for the handicapped.

Teachers' unions also influence relevant decisions made by the LEA. Union contracts often specify such things as maximum class size and salaries of teachers, both of which serve to limit the resources available to the LEA; the number of handicapped children who can be placed in a single regular classroom; and additional preparation time and in-service training for teachers who have such children in their classes.

Parents of handicapped children are also a strong influence on the education of the handicapped at the LEA level. Other groups of parents may also exert pressure at the building and classroom levels to increase the services provided to nonhandicapped children, e.g., to provide more individualization. Local level educators may be faced with conflicting demands for scarce resources.

The non-public school sector, including church-related schools, may also be an important influence on LEA decision-making if they provide services to the handicapped. These schools will compete with the LEA for community resources.

Other local agencies will also have an effect on the LEA's provision of services to the handicapped. Such agencies traditionally have provided many services to different groups of handicapped children (e.g., the local mental health unit may provide therapy and other services for emotionaliy disturbed children). Because the LEA now has the legal responsibility for these children services that were previously provided at "no cost" to the LEA could be withdrawn or charged to the LEA.

Local Governance. Local government will influence not only the LEA organizational structure but also the LEA role players. Local politicians can pressure the LEA to improve services; they can also support an LEA's efforts in the face of opposition from outside groups. The local government generally has the responsibility for raising money to finance education, and hence can control to a greater or lesser degree both the structure and the personnel of the LEA.

LEA Role Players. Many of the statements made above about SEA role players can be applied to LEA role players. An individual's needs, preferences, professionalism, group affiliations, and attitudes will all influence performance.

Administrators' career goals and preferences can have great impact on how P.L. 94-142 is implemented. Their exposure to special education will greatly influence their preferences when discretionary choices have to be made about educating the handicapped generally or about individual handicapped children. Administrators who understand the problems of the handicapped will tend to be disposed to making decisions that will aid such children. Of course, this can work to the advantage of some children at the expense of others. As

Weatherley and Lipsky (1977, p. 194) found, LEAs often evaluated and placed children whose handicaps allowed local personnel to practice their specialties. Thus an administrator with a background in evaluating and educating the retarded might push services for retarded children while possibly ignoring children with other handicaps.

The professionalism of LEA role players affects both the quality and the quantity of special education services. Trained, committed personnel will direct their energies toward providing quality services, but inadequatley - trained personnel may be unable to do so.

Informal group affiliations at the LEA level will influence the type of services that are made available to the handicapped. If special education personnel are well integrated with "regular" components of the LEA, role players' affiliations will be less likely to be based exclusively on their specialization; hence they will be able to call upon other LEA personnel to provide services to the handicapped. If special education is segregated from the other components of the LEA, however, informal links will tend to be strongest among special education personnel, who will thus not have easy access to other services for the handicapped. Communications will often be easier in this latter case with external groups than with other elements of the LEA.

LEA Organizational Structure. The LEA organizational structure operates with the role players to effect the implementation of P.L. 94-142. In general, this authority structure is designed, as it is at the SEA level, to reduce uncertainty, to assure equitable resource allocation, and to facilitate the accomplishment of procedural tasks. Elements of this structure may be more susceptible to external pressures at the local level than at the state level, particularly in the allocation of resources. School budgets are subject to the approval of an agency outside the LEA, either the local governing unit (e.g., the city council) or the voters. This is the ultimate form of control at the local level.

The superintendent is a vital element in the education of the handicapped; he/she makes many of the resource allocation decisions in the district. This may become a factor in the implementation of P.L. 94-142, especially if the superintendent has to take resources away from existing programs to meet the mandates of the Act.

How the LEA complies with the provisions of P.L. 94-142 will also depend upon the perceived SEA sanctions and incentives for compliance, much as SEA

compliance depends in part on perceived sanctions and incentives emanating from the Federal level. During the first year of implementation (1977-78), about #35 per handicapped child was allocated to LEAs, which may not regard the loss of these funds as a major sanction. As the money flowing to the LEAs increases, however, the possible cutoff of funds will become an important incentive to compliance.

States often lack the machinery to enforce policies at the LEA level. A state may not have uniform accounting systems or, if it does, it may not have sufficient personnel to monitor LEA expenditures for special education services. The threat of lawsuits by parents or advocacy groups may more effectively serve as a sanction against non-compliance for many LEAs, particularly where parents have easy access to lawyers.

LEA Technical Competence. An LEA's "technical competence" will greatly influence the implementation of P.L. 94-142. This comprises administrators, the staff of regular teachers and special education teachers, the support services available (e.g., psychologists, audiologists, etc.), and the amount and quality of in-service training available.

Although an LEA's technical competence is in large part influenced by the amount of money the district has available to spend for qualified personnel, other factors over which an LEA has no control are relevant. One is the quality of teacher training institutions in the state and whether the programs in these institutions provide the training that LEAs require to implement P.L. 94-142. Another factor is SEA requirements for teacher and administrator training and licensing. It is "easier" to become a teacher in some states than in others.

LEA Tasks. P.L. 94-142 mandates specific tasks that must be performed; although the SEA has de jure responsibility for carrying out these tasks, they have become the de facto responsibility of the LEA. The tasks can be roughly classified as administrative and programatic, the distinction being that the latter directly affect the services that will be made available to the child:

Administrative

- free appropriate public education
- childfind
- due process and confidentiality

Programmatic

- nondiscriminatory testing
- Individualized Education Program
- least restrictive environment

Outputs

Four major outputs can be identified at the LEA level: consequences, an evolving program, "satisficing," and organizational maintenance. Over time, the special education program will change, moving to higher stages of development. The LEA will not be able to consider all alternative courses of action to implementation of P.L. 94-142 and then choose the one alternative with the most favorable consequences. Rather, the LEA will select that course of action that is "good enough," i.e., that satifices (see Allison, 1971, p. 72). The LEA will also be concerned with maintaining itself as an organization. That is, school district personnel are unlikely to make decisions whose end result will put the LEA or a part of it "out of business."

The consequences, which we have classified into four categories--resource allocation/utilization, organizational structure/administration, roles/behaviors, and attitudes/perceptions--are the primary focus of this Case Study.

Utilization of the Model

The model presented in the preceding pages is an explanatory, rather than a research, model. It provided the basis for our study questions, and also provided a framework for our analysis of the data from the different sites.

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Chapter II

The SEA Context

Demographic Characteristics

Population. State B is a medium-size state; its 1976 population was almost 3.95 million, which was in the second quartile of states. The population has been growing since the 1940's, but the rate of growth has been decreasing. State B's population is not very dense -- only about 85 residents per square mile.

There were over 1.1 million blacks in State B in 1975, or about 30% of the total population, which is considerably above the percentage in the country as a whole (11.5%).

Urban/Suburban/Rural mix. There are four urban districts in State B, 13 suburban, and 49 rural, based on Census Bureau definitions. Approximately 62% of the population lives in metropolitan areas, which include urban areas and the associated suburban areas. The remaining 38% live in non-metropolitan areas.

Wealth. State B is one of the poorest states in the nation. Its per capita income of less than $5,400 in 1976 ranked among the bottom ten states. State B also has one of the highest poverty rates in the nation: 19.3% in 1975, compared to 11.4% for the country as a whole. There is a tremendous range in wealth among the 66 counties, however. 1975 per capita income ranged from $2,780 to $5,970.

The tax base for local school revenues has changed dramatically since 1964. In 1964-65 about 83% of public school revenues came from property taxes, and only 5.3% from sales taxes. The state legislature passed a law in 1964 that allowed counties to institute a sales tax to support education. By 1975-76, 57.3% of local school revenues came from sales taxes, and only 31.5% from property taxes. The state constitution mandates a millage property tax in all counties, which can add on up to 20 mills locally. There is a very wide disparity among the counties in their ability to use these resources, however. The assessed property valuation per pupil in 1975-76 ranged from about $1,750 to over $41,000; the sales tax base per pupil ranged from $72.50 to $384.25.

School enrollments. There were about 871,000 pupils enrolled in the 1,500 public schools of State B in 1975-76. An additional 166,000 were enrolled in private schools, primarily church-related schools.

There were about 350,000 black pupils in the public schools. More than half of these pupils are concentrated in eight counties.

Public school enrollment increased steadily from the early 1950's to 1969-70, when it peaked at 884,500. Enrollment declined to 863,000 in 1974-75, and then increased in 1975-76. Black enrollment increased steadily until 1974-75, when it declined slightly, and increased again in 1975-76. White enrollment peaked in 1969-70, declined during the 1970's, and increased in 1975-76. Private school enrollment (primarily whites) peaked in 1971-72, declined after that school year, and has remained fairly constant ever since.

School expenditures. Total expenditures for the public schools in State B were about $920 million in 1976 and $1.1 billion in 1977. Less than 27% of these monies came from local sources, over 56% came from state sources, and more than 17% came from Federal sources in 1976. The statewide per pupil expenditure was about $1,250, with a range from about $990 to over $1,750.

School districts. State B has over 65 school districts. The vast majority are county jurisdictions.

Governance

Governor/executive branch. The present governor has a strong interest in education, particularly special education. He has consistently included in the executive budget funds requested by the agencies for special education.

Legislature. The State B legislature has been very active in enacting education legislation over the last decade. They passed a state special education law in 1977, created a statewide school district to serve institutionalized children, and passed accountability and minimal competency legislation. During the early 1970's, the legislature increased appropriations for special education as much as 35% in one year.

State board of education. State B has an eleven-member state board of elementary and secondary education. Eight members are elected from the Congressional districts, three are appointed by the governor. There are presently several members of the board who are knowledgeable about special education.

Legal Environment

State law. State B's new special education Act, was passed by the legislature in 1977. This act is very similar to P.L. 94-142, and includes provisions for free appropriate public education, protection in evaluation procedures, IEPs, least restrictive environment, parental participation, and procedural safeguards and confidentiality of information. It also provides services for gifted and talented and other exceptionalities beyond the scope of P.L. 94-142. The act was fully implemented on September 1, 1978, and covered handicapped children from the age of three through the age of 21.

Rules and regulations. Regulations to implement the state special education law were adopted by the state board of education in June 1978, and went into effect on September 1, 1978. These regulations are very comprehensive and deal with all special education programs receiving Federal funds, incorporating the requirements of Section 504 of the Rehabilitation Act of 1973 and its regulations as well as P.L. 94-142 and its regulations. The regulations apply not only to the public schools but also to a statewide school district (see below, Other State Agencies), to non-public schools providing services to the handicapped, and to the state department of health and state department of corrections. These regulations were drafted by an independent group from outside the state, whose staff have a history of advocacy for "civil rights."

Prior to final adoption of these regulations, the SEA held statewide public "hearings" on public television.

Special Education Performance Record

Programs and services. State B's special education law provides for programs for 14 exceptionalities, from preschool through secondary level, from mildly handicapped through profoundly and multiply handicapped.

Enrollments. Enrollment in State B's special education programs was about 85,000 in 1977-78, almost double the enrollment in 1972. During this same period, enrollment as a percent of total public school enrollment increased about .5%. In 1976, the largest number were enrolled in programs for the speech impaired (44,000) and for the retarded (19,500). An additional 5,700 pupils were in programs for the learning disabled; 5,000 were classified as "slow learners."

The 1978 "child count" reported about 87,000 children with 35,000 as speech impaired, 20,000 as retarded, 25,000 as learning disabled and 5,000 as emotionally disturbed. "Slow learners" were not classified as "special education" in the December 1978 count.

Expenditures. Expenditures for special education in State B have risen dramatically in the 1970's. In 1972, total state aid for educating the handicapped amounted to less than $1.7 million; this grew to almost $32 million in 1975, and to almost $45 million in 1976. From 1972 to 1975, state special education expenditures rose from 1.9% of total state aid to LEAs to 6.0%.

SEA-Federal Relations

Annual Plan. State B's Annual Plan for 1977-78 was initially approved for first-quarter funding only. The 1978-79 Plan received full approval. SEA-USOE/BEH relations are generally perceived to be good.

SEA Role Players

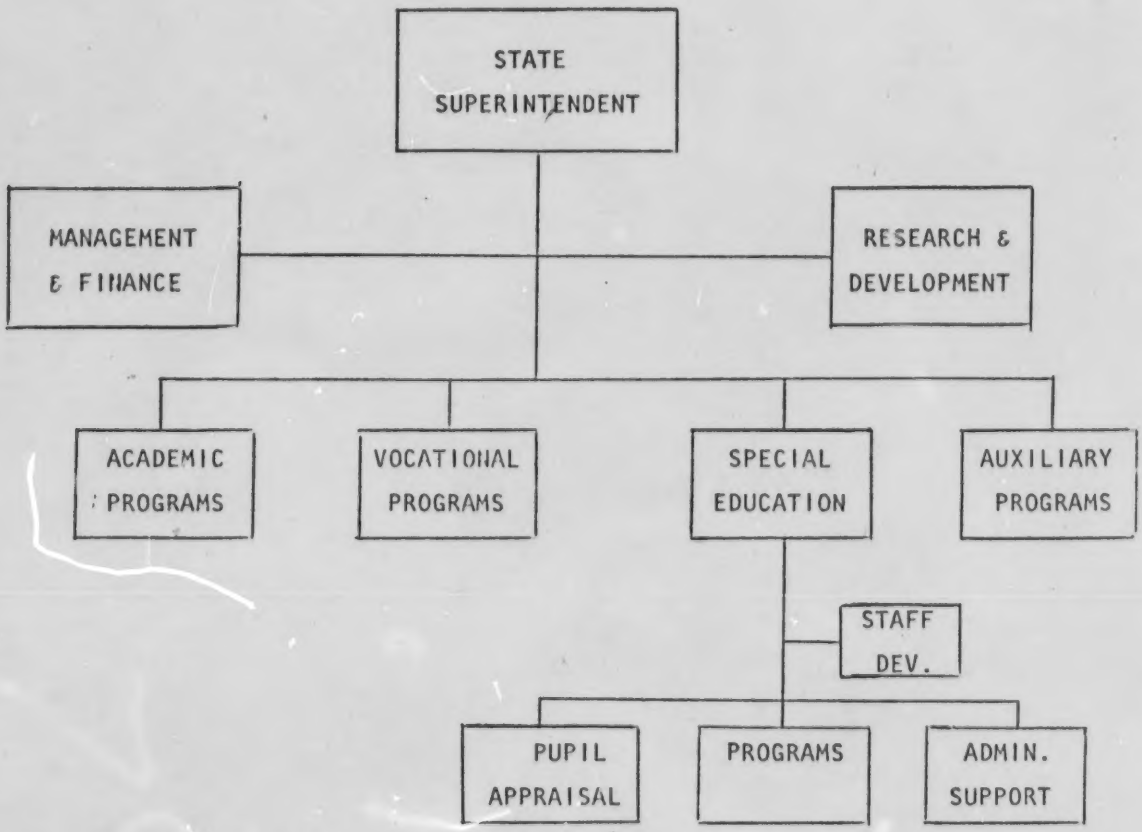
State Superintendent. The State B state superintendent is elected by popular vote. The present superintendent took office in 1976. He has a strong interest in special education and has supported it consistently and has brought together a professional, strong office of special education.

State Director of Special Education. The State B State director of special education is the assistant superintendent in charge of the division of special education programs. The current state director was appointed in 1976. He is from out of the state, and previously worked for BEH. He has brought many new staff to the division, and is perceived throughout the state as a strong advocate for special education. He is responsible for much of the current growth and refinement of special education throughout the state.

SEA Organizational Structure.

General Structure. The state department of education comprises four "education" offices -- auxiliary programs, vocational programs, special education, and academic programs -- each headed by an assistant superintendent. There are offices for research and development and for management and finance, headed by associate superintendents. (An organizational chart is presented in Exhibit II.)

EXHIBIT II: ORGANIZATION OF STATE DEPARTMENT OF EDUCATION - STATE B (MODIFIED)



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Special Education Structure. The office of special education is organized into four units: in-service, staff development and special projects; public appraisal and development; special education programs; and administrative support. The first of these is headed by a coordinator; the remaining three are headed by directors.

The largest number (17) of professional employees within the office of special education is in the special education programs unit. There are nine professionals in the administrative unit, five in the pupil appraisal and development unit, and one in the in-service/staff development unit.

Other State Agencies

Several agencies outside the state department of education provide services to handicapped children in State B, including the department of human resources and the department of corrections.

In 1978, the state created a statewide school district within the SEA to administer educational programs for handicapped children residing in state-operated institutions. Most state agency operating institutions have a coordinator responsible for administering programs within the agency's institutions. This district meets the requirement of P.L. 94-142 that the state department of education supervise the provision of educational services to handicapped children through agency coordinators. The district must submit an application for funding in the same manner as all LEAs in the state. Each child's LEA of origin and the statewide school district are jointly responsible for reviewing and updating the IEP. The district is also responsible for supervising children placed in non-public school residential facilities and for approving such placements.

Advocacy Groups

The Association for Retarded Citizens is active in State B and actually operates programs for children with certain exceptionalities. The Association for Children with Learning Disabilities and United Cerebral Palsy are becoming increasingly active.

Special Interest Groups

There are 121 different education-related special interest groups in State B. In some counties the parochial schools are very active and traditionally very influential local and even state political forces.

Outputs to LEAs

Approval of LEA Applications. Approval of LEA applications to the SEA for funds is under the supervision of a coordinator in the administrative support unit.

Funding. Funding to LEAs is provided under the state equalization minimum foundation program for public education, by which the state pays teachers' salaries. The state pays for certified special education teachers, supervisor of special education, speech therapists, aides, and assessment teachers according to ratios established in the 1978 regulations. When there are fewer than the specified minimum number of pupils per teacher, state aid is reduced by one-tenth for each pupil below the minimum; the LEA must provide the rest of the salary. Such reduction cannot be used as an excuse or cause for not providing a free appropriate public education (however). A weighted caseload procedure is used to determine the number of pupils that justify the salary of a speech therapist.

The total number of exceptional children counted by an LEA in claiming state aid cannot exceed a certain percent of the total LEA school-age population. This count may include gifted and talented, "slow learners", and certain speech exceptionalities. All salaries must be in accord with the teacher's minimum salary schedule.

Technical assistance. During the 1977-78 school year the SEA developed an in-service training program for LEA personnel to prepare them to implement P.L. 94-142. The material has been broken up into ten modules on different aspects of the law. There are two parts to each module; a narrative presentation made by an SEA official, and a series of questions for the trainees that require them to apply the information presented in the narrative. The ten modules deal with:

- an overview of the law;
- to whom P.L. 94-142 applies;
- the IEP;
- child count and funding;
- rights of the handicapped;
- public involvement in P.L. 94-142;
- timetables
- services for the handicapped;
- personnel development; and
- use of Part B funds.

While technical assistance was provided directly from the SEA in 1977-78, a number of regional units were created in 1978; these units now provide most formal assistance to districts. The SEA continues to provide general assistance and information relevant to P.L. 94-142 (statewide television "hearings") and the state law.

Monitoring. The SEA monitors the LEA in three ways. First, each school in the state is required to complete an annual special education report, which is submitted directly to the SEA. This report collects information on special education enrollments, on facilities and on the P.L. 94-142 assurances.

Second, the SEA conducts on-site, in-depth monitoring in a third of the districts each year. On-site monitoring questionnaire forms are sent to the districts prior to the visit. These include interview forms for central office, parent groups, teachers, and evaluation centers. For selected students an individual case study form is used to validate referral information, evaluation content and timelines, parental involvement, placement and IEP development, and a comparison of the IEP and program currently being provided the student. The length of the on-site monitoring visits vary from two and one-half days to five days; twelve to thirty SEA professional staff conduct interviews at all levels within the system and check annual special education school reports for accuracy and consistency. Both positive elements and deficiencies are noted and an informal exit interview is held with the superintendent. The information gathered from the visit is compiled into a report and submitted to the district superintendent for concurrence. The SEA and district staff develop a compliance document which is then formally sent to the superintendent and becomes an addendum to the LEA application the following year.

Third, the SEA monitors every LEA during the school year. SEA officials check on each LEA approximately four times a year to note the progress toward compliance according to a predetermined checklist. Deficiencies are reported to the LEA director of special education and to the superintendent; the SEA provides technical assistance as needed.

In addition, the SEA gives particular attention to several sections of the LEA annual progress plans:

- policy on priorities;
- child identification;
- protection in evaluation procedures;
- procedural safeguards;
- comprehensive system of personnel development and;
- placement of private school children.

Direct services. The SEA funds evaluation teams, which are operated by the universities in the state. These teams perform assessments of handicapped children. While four or five member teams were required in 1977-78, the SEA now required only two member teams, although depending upon the nature of the exceptionality a larger number of professionals may constitute the multi-disciplinary team. The larger number of teams were able to assess more handicapped children and eliminate the waiting lists in some districts.

SEA-LEA Linkages

The informal linkages between the SEA and the LEAs are quite strong. Prior to 1977, many LEAs did not have directors of special education; now, all districts have directors, many of whom owe their jobs to a recent mandate in the state minimum foundation program. There is continual contact between the SEA and the LEAs.

CHAPTER III
CASE STUDY OF SITE B.1

Case Study Organization

I. THE CONTEXT
   - A. DEMOGRAPHIC
   - B. WEALTH
   - C. GOVERNANCE
   - D. SCHOOLS
   - E. EXTERNAL ORGANIZATIONS
   - F. LEA ROLE PLAYERS
   - G. ORGANIZATIONAL STRUCTURE

II. THE SPECIAL EDUCATION PROGRAM
   - A. ORGANIZATION
   - B. SERVICES PROVIDED
   - C. STUDENTS SERVED
   - D. PRIORITIES

III. IMPLEMENTATION PROCESSES
   - A. SPECIFIC CONSEQUENCES
   - B. GENERAL CONSEQUENCES

I. THE CONTEXT

A. DEMOGRAPHIC

District B.1 is an urban school system serving a community that is undergoing rapid change. Private business development has expanded rapidly the last few years although about one-third of the district's population continues to live in pockets of poverty. The local economy derives most of its income from services, trade, and poverty. State and local government provide an important job sector yet the unemployment rate is in excess of 12%. Relatively low cost labor is attracting much industry that is associated with processing and manufacturing. The 1978 local census figures projects a population within the district in excess of 580,000; a decrease of about 6% since 1969.

B. WEALTH

Information prepared by the state public affairs research council shows the 1975 per capita personal income within the district to be $5,631; this is in excess of the state average of about $4,800 and represents a dramatic 59% increase since 1969. In a comparison to the slightly more than 60 municipalities across the state, district B.1 ranks third in per capita personal income.

Poverty level indicators utilized by district administrators for Title I purposes focus upon free lunch counts and related income data. For the 1978-79 school year, the total Title I budget was $13 million, an increase of $3.7 million over the 1976-77 Title I budget of $9,331,000. The Title I program served approximately 31,000 pupils in 1978-79 compared to 17,700 in 1976.77.

Financial resources available to the district include local taxation, revenue sharing with the state using an equalization formula, and various Federal programs. Local property and sales taxes and other sources contribute about 32% of the districts education budget; the state contributes about 46% through the equalization formula and other sources; and Federal program sources contribute the remaining 22%.

C. GOVERNANCE

The school board, consisting of five members whose terms are staggered, lasting six years each, are publicly elected from the city's five districts and

generally reflect various vested-interest groups and political persuasions. School board meetings are open and sometimes characterized by heated vocal debate which is often closely monitored by local media. The 1978 state legislature authorized a study to determine if the school board should be increased from five to nine members and the term reduced to five years. Local hearings have supported this issue and the state legislature is expected to approve the increase in board membership. Informal communications exist between individual board members and key administrative staff on an ongoing basis. The present superintendent, recognized as a national expert in school management/ labor relations, excercises a management style which is also extremely sensitive to external and internal political sensitivities.

In addition, a "special political relationship" exists between the district and the state education agency, as well as other state agencies and bodies. This relationship can be attributed to a long tradition, as well as the fact that approximately one-tenth of the state's education appropriation goes to the district. Seldom is a state commission or advisory board created without at least one member coming from the district. In turn, district officials or individuals from the community have recently been hired as SEA officials responsible for administrative functions in areas such as special education. As to be expected, state legislation and appropriations often reflect the needs and concerns of the district.

As in most other school districts within this state, education is indeed a political issue. Recent decentralization to regional divisions was as much a political "community control" issue as one of management. The "tugs and pulls" between the district and private providers cannot be minimized either directly, as in the area of special education, or indirectly, as many graduates of the non-public sector have traditionally been in control of the city and of public education. In the very recent past, labor-management issues throughout the city have become a political issue in that a large number of public service agency employees went on strike during the last school year, including teachers.

The local municipal governing body consists of a mayor and seven council members who all serve four year staggered terms. Two council members are chosen at-large and the remaining from each of the five districts within the city.

The city is an independent jurisdiction within the state and enacts its own ordinances, raises money from local taxes, and conducts a budgetary process similar to other urban areas.

There have been many bitter conflicts between the school board and the city council in the past. The most recent issue involved the collection of tax dollars due the board from FY 78. One council member became so embittered that he recommended that the superintendent of schools be recalled.

D. SCHOOLS

The school district has 85 elementary, 23 middle, and 24 senior high schools. Total enrollment for the 1978-79 school year was about 89,000 pupils, a slight decrease of several thousand pupils from the 1976-77 enrollment of approximately 91,000 pupils. Most elementary schools have enrollments of 400 to 600 pupils while junior and senior high schools have enrollments up to 1,600 and 2,500 respectively. Black students comprise about 80% of the school population; approximately 60% in grades K-6, 75% in grades 7-12, and about 85% in special education settings. There are also 65 parochial schools in the district and about 45 other types of private schools. The parochial school enrollment is approximately 31,000 and the other private schools have an enrollment of about 9,100 pupils.

E. EXTERNAL ORGANIZATIONS

The outside agencies which cooperate with the school district include numerous social and human service delivery agencies (e.g., Department of Social Services, Welfare, etc.) and private and public institutions (e.g., Children's Hospital, federation of churches, medical society, etc.). The local chamber of commerce is also an avid supporter of the school district. No new agreements or working arrangements have evolved as a result of the requirements of P.L. 94-142.

While there exist a number of advocacy groups within this urban district, perhaps the proliferation of "advocates" has been greater in special education than in any other area. There has existed a long tradition of the Association for Retarded Citizens (ARC) which has not only served an advocacy function but, unlike many other settings, has also had a tradition of operating programs for severely and profoundly handicapped children. Until the recent past, this association had received direct state funds for tuition and other reimbursable

costs for operating these facilities as a "private provider". The amount of funds allocated to these services and facilities operated by the ARC were relatively high. During the most recent school year, new state legislation was implemented which changed the nature of this relationship and affected the potential placement of handicapped children in these programs and facilities. The implementation of this legislative provision created numerous and expanded tensions between the district and the ARC. Indeed, a number of lawsuits and due process hearings revolve around the fundamental issue of private providers, particularly the local ARC.

In addition to the ARC, a number of legal aid advocacy groups have emerged over the last few years. Most of these groups have contributed services and time to assist parents and parent groups in facilitating procedural safeguards. Some of these issues related to the "public vs. nonpublic provider" placements while others related to allegations of the services provided by the district. At this writing many of these hearings are awaiting resolution.

In addition to the ARC, a very influential private provider in this community have been the parochial schools. Over the last two years these schools have provided special education services to a relatively small number of children within the immediate area. However, this small amount of special education participation does not accurately reflect the overall influence this sector has had and continues to have on the district. Participation in other Federal programs, such as ESEA Title I, Title IVB and IVC, and other programs is more extensive. Moreover, many of the graduates of parochial schools in the area continue to have major influence over major decisions and policies within the district.

And last, as a direct result of the passage of P.L. 94-142, a large number of small and limited advocacy groups have surfaced within the area. As one district official observed, within two or three days after an issue is broadcast on the public media a small group, or at least a spokesman for a alleged group, emerges. Such has been the case in the proposed conversion of military installations for hospitals for the handicapped and other very specialized interests which have surfaced within the district in the last two years.

F. LEA ROLE PLAYERS

The superintendent of schools is, among staff members, perceived as an orchestrator. He is also perceived as one who is very public relations-oriented and dedicated to meeting one of the main objectives of the district -- namely, bringing federal, state, and other recources into the district. With these priorities, it would appear that many of the administrative and day-to-day operational management functions have been delegated to the deputy superintendent who had previously served with the superintendent. It is important to emphasize that both the superintenoent and his deputy are perceived as "outsiders".

The regional superintendents are comprised of both "local" as well as "outsiders". Most of these individuals reflect the initial demands of the recent decentralization movement -- namely, responsiveness to community needs. Ironically, however, most of these individuals have been assigned the responsibility for the operating functions of school level activities within the district. For the most part, however, operational responsibility for programs is delegated to the various principals across the regions. This responsibility is not only reflected in day to day operations, but also by the large number of buildings which are named after former principals over the last century. Indeed, a recent history of the district recognized the "names over buildings" which is a reflection of the influence of dedicated principals in this district over time. Many observors of the special education process in the district have noted that the degree to which special education is given a priority and is implemented in accordance with state and federal legislation is highly associated with the specific principal's attitude toward and knowledge of special education.

The director of special education within this district is a coordinator and catalyst, as operational responsibility for programs is somewhat precluded by the organizational structure of the district as described later. As a result, the director of special education has to use its informal communications and other leverage resources to support the overall purposes of the district's program and the implementation of the state and Federal mandates. An intrical part of the bargaining or leverage process includes the informal communications with the state education agency, prior relationships with subordinate and superior officials within the district, and very personal, time-consuming persuasive activity with the coordinators of special education in the four regions.

G. ORGANIZATIONAL STRUCTURE

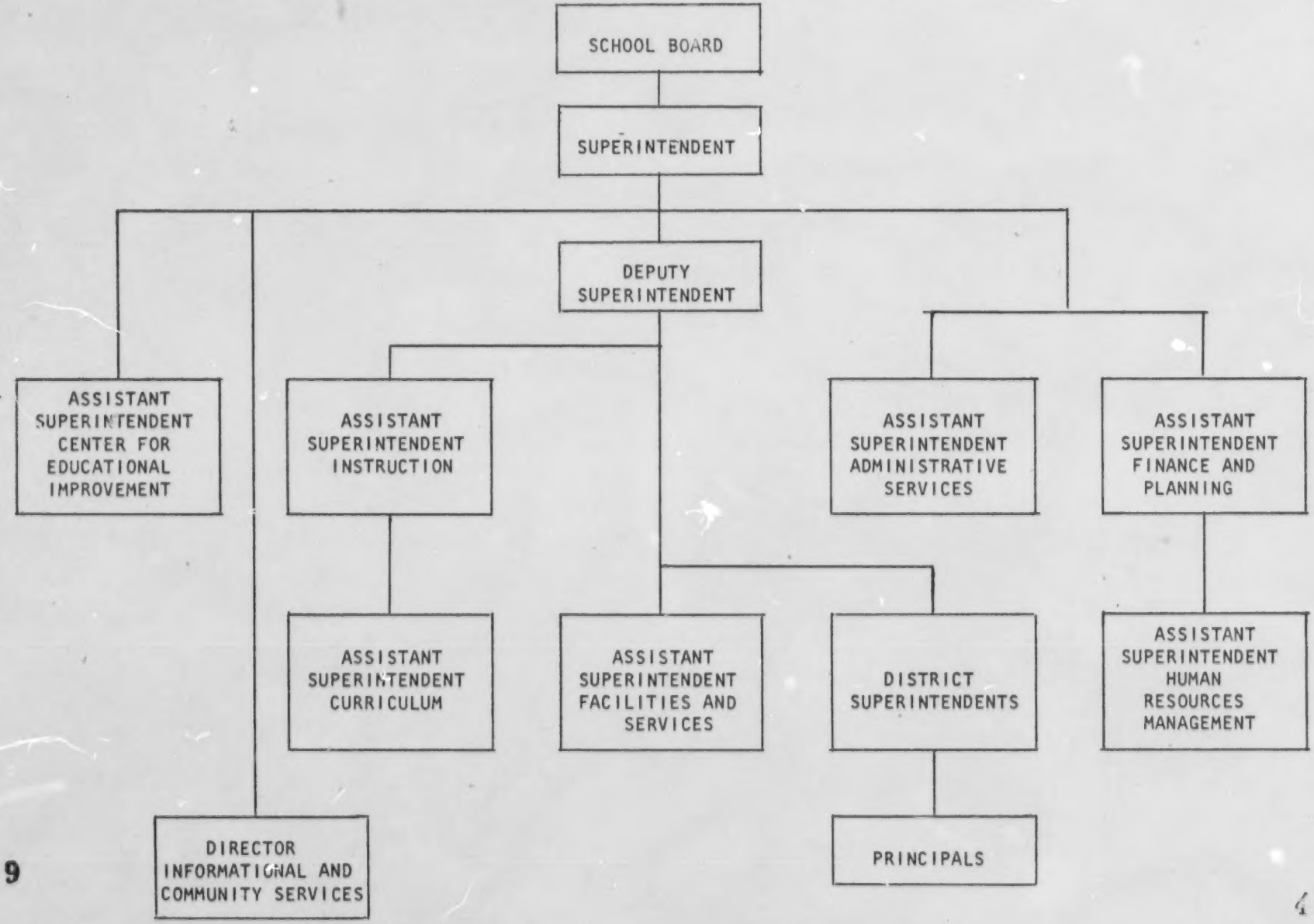
The line-staff organization of the district is displayed in Exhibit The three assistant superintendents for educational improvement, administrative services, and finance and planning report directly to the superintendent. The Deputy Superintendent oversees the two assistant superintendents for instruction/child advocacy and facilities/services and the four district superintendents. The Director of Special Education reports to the Assistant Superintendent of Instruction. The Director of Special Education maintains operational responsibility for a number of special education functions at the central office level while a District Coordinator for Special Education in each of the four districts is responsible for other special education functions.

The budget process for the district requires individual department heads to submit their requests to their respective directors who, in turn, compile the figures and submit them to the assistant superintendent. All requests are consolidated into a final working document which is submitted to the Superintendent's office. Hearings are held throughout the city to provide an opportunity for community input to program areas of special interest. The locally developed budget is then submitted to a state board of elementary and secondary education for approval. Budgets which are balanced, i.e., outgo equals income, are usually approved matter-of-factly. If the state is requested to make up a deficit by adding additional funds, the approval process takes somewhat longer.

During the FY 79 budget period, the state obtained an extra $400 million of non-earmarked funds from new taxes recently levied on the petroleum industry operating within state boundaries. Institutions and governing agencies across the state have all requested part of these additional "windfall" funds for their own particular purposes. District B.1 has requested $25 million for school construction and repairs on a one-time basis.

The 1978-79 total district budget was $156,700,000, an increase of about $30 million from the 1975-76 district level. Over this same period of time the special education budget increased about $630,000 from approximately $175,000 in 1975-76 to about $805,900 in 1978-79.

EXHIBIT B-1 : ADMINISTRATIVE ORGANIZATION OF DISTRICT B.1 (MODIFIED)



II. THE SPECIAL EDUCATION PROGRAM

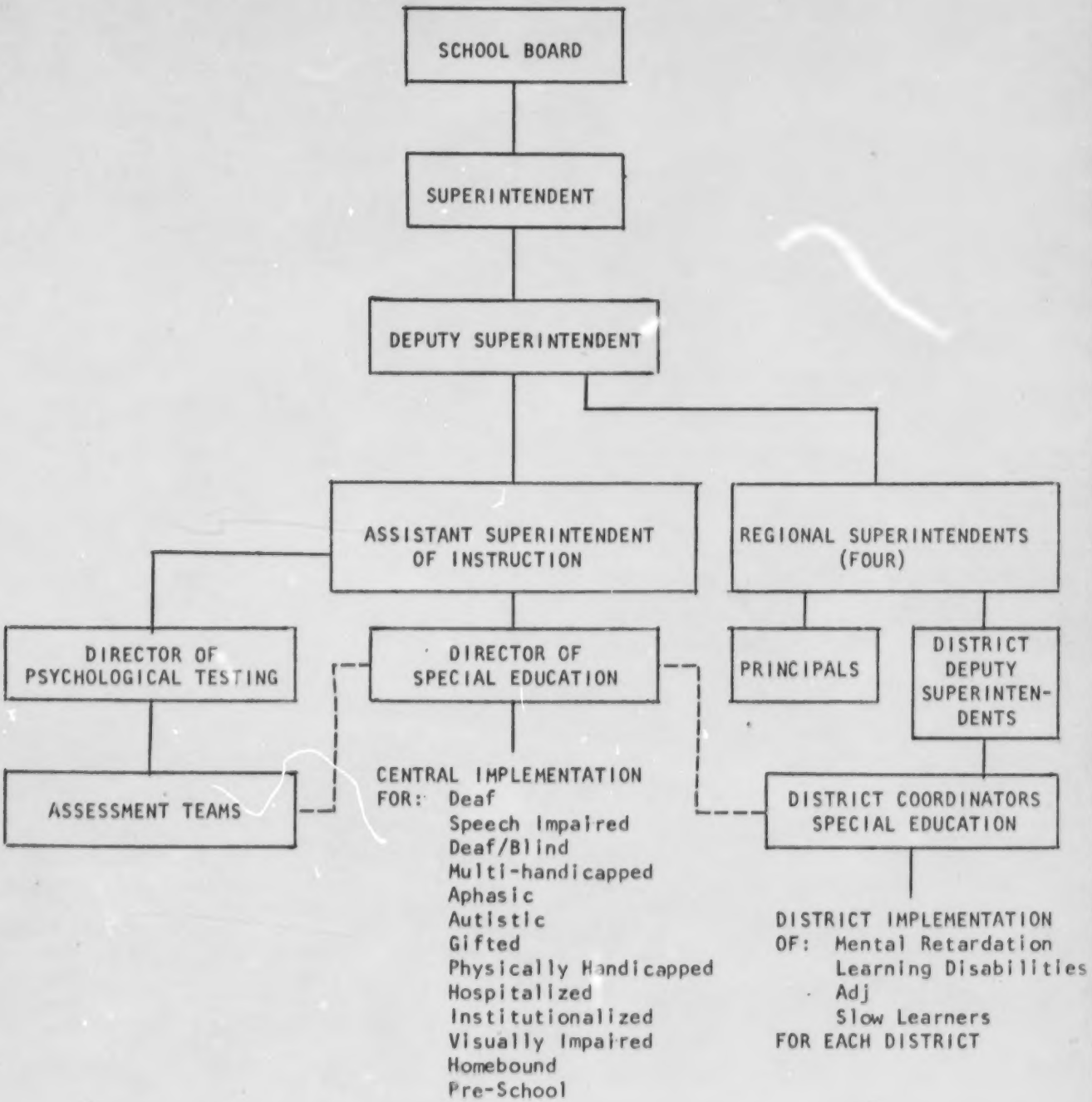
A. ORGANIZATION

The organizational structure of the district public schools and the Department of Special Education has changed recently. As one views the District organization chart displayed earlier and the District special education organization in Exhibit B-1 , it would be extremely time consuming for the Director of Special Education to follow the formal "chair of command" in communicating day-to-day operations. What has evolved has been a fairly informal system by which the Director of Special Education and the four special education coordinators in each of the districts formulate policy and implement programs. While the official job description of the district coordinators is rather specific, the types of services and priorities of the district coordinators do vary. Moreover, their relationship with individual schools vary in several respects. In certain districts the coordinator deals for the most part with principals, while in other districts the coordinator will deal more directly with chairpersons for special education or chairpersons for specific grade levels.

Within the organizational structure, there exist a number of interfaces which are critical in explaining the way in which policies are implemented in special education. First, the Director of Special Education is responsible for all special education activities. However, the coordinators of special education in each of the districts are responsible to the District Superintendent. They, in turn, however, are responsible for the operations of special education services. In reality, the Director of Special Education directs a staff which is responsible for operating specialized education programs that are normally not available in schools in the districts and for support services such as Childfind, and the district coordinators, one could speculate on the time-consuming activities required for decisions where opinions differed between the central office and the district office.

Second, the Director of Special Education also interfaces with the Director of Psychological Testing. Given this organizational structure, the areas where potential problems could be created are, among others: (1) the amount of time

EXHIBIT B-11: SPECIAL EDUCATION ORGANIZATION OF DISTRICT B.1 (MODIFIED)



between identification of a child and the time when a child is evaluated; (b) the amount of time between the actual evaluation and submission of a report and file to the district coordinator for placement; and (c) feedback from the classroom on individual students' progress back through the system to the Director of Psychological Testing who maintains an individual file on each child.

Superior-subordinate roles are characteristic of a large urban school system. Little formality exists because of the organizational complexity at the administrators level. Within operating units there is an observable cooperative relationship between staff functioning at similar levels of responsibility. Difficulties arise, for example, when the Director of Special Education has to resolve problems created when instructions given by Regional Superintendents to building principals do not follow district policy and/or procedures. This happened when IEPs were first implemented and created problems at the building level. The Director of Special Education is very knowledgeable about his program area and is able to establish the rapport needed to overcome such difficulties.

B. SERVICES PROVIDED

In District B.1 the services provided have increased over the last five years . In 1974-75, about 9.5% of the student population was receiving special education services. For the last two years, the numbers of students receiving special education services have increased as the total student population decreased, resulting in over 12% being provided services.

Although the total numbers of students being served was almost the same in 1974 and in 1978, the type of service being provided in 1978 was very different -- about twice as many teachers in special education and about four times as many teacher aides (see Exhibit B-11). Services are now being provided for the aphasic, multi-handicapped, pre-school handicapped, severely mentally retarded, and physically handicapped where there was previously no service. The students identified as socially maladjusted in 1974 have either been reclassified and served in an appropriate setting or placed back in the normal classroom when no further special education service was found to be necessary. While there were fewer corrective speech and hearing teachers in 1974, there are

EXHIBIT B-III: SPECIAL EDUCATION SERVICES
DISTRICT B.1

Classes	No. of Teachers October 1974	October 1978
Aphasic	–	2
Autistic	2	10
Blind, partial sight	5	5
Deaf and blind	2	2
Deaf, hard of hearing	10	9
Educationally Handicapped	31	68
Emotionally Disturbed	31	94
Gifted	2	19
Homebound	6	3
Hospital Classes	6	9
Learning Disabilities	46	86
Mentally Retarded, educable	116	189
Mentally Retarded, severe	–	11
Mentally Retarded, trainable	38	39
Multi-handicapped	–	19
Pre-School Handicapped	–	13
Physically Handicapped	–	8
Socially Maladjusted	8	–
Total Classes	311	586
Corrective speech and hearing	55	67
Teacher Aides	53	217
Special Education Principals	–	3
Totals	419	873

almost twice as many students now classified with this problem. There were substantial increases in services provided for students identified as educationally-handicapped, emotionally-disturbed, gifted, learning-disabled, and educable-mentally-retarded.

C. STUDENTS SERVED

District B.1 served about 11,000 pupils in special education during the 1978-79 school year, based on the October 1978 child count. The largest number of pupils being served were the students in the corrective speech and hearing program, about 3,500. The second largest group being served, about 2,600, were the educable-mentally-retarded. The third largest group being served, about 1,300, were the learning disabled. Slow learners comprise the fourth largest number of pupils in special education classes, about 1,050, and the fifth largest category includes about 960 emotionally disturbed pupils. The remaining 1,590 pupils receiving special education services include the homebound, deaf, blind, autistic, multi-handicapped, physically handicapped, and others.

D. PRIORITIES

The stated priority in District B.1's EHA, Part B Application (1979) is that "It shall be the policy...to provide a free appropriate public education to all handicapped children, ages 3-21, as they are identified." To this end, the district instituted a vigorous child search program to identify, refer, diagnose, evaluate, and place all such children.

The District concentrated on a number of areas that were prescribed to be weaknesses in their special education program. In the area of services, preschool classes for the multi-handicapped and/or non-categorical were established and an alternative program for suspended emotionally-disturbed secondary students was developed. In the area of training, a project provided in-service training for the teachers of these children identified as inadequately served; workshops were given for special education teachers and aides; and the special education central staff provided on-call services to all special education teachers as needed. In the area of support services, the District employed staff such as an audiologist, psychologist, social workers, consulting psychologists for the autistic and emotionally disturbed, and a consulting psychiatrist to bring full service to inadequately served students.

III. IMPLEMENTATION PROCESSES AND CONSEQUENCES

SPECIFIC CONSEQUENCES

Below, we describe how the school district implemented each assurance examined in the study and the consequences relating to that assurance. Effects which related to more than one assurance are presented under the heading General Consequences.

1. Childfind

a) Childfind Process

This district has had a long history of attempting to locate and serve handicapped students, a great many of whom have traditionally been served by private providers. With the implementation of P.L. 94-142, the efforts were renewed and expanded. Two professional staff were assigned to identify and arrange services for out-of-school children: one coordinator had responsibility for severely handicapped and the other had responsibility for children who were on long-term suspension from the public schools. Although other children were identified in the course of childfind, the LEA initially concentrated on those inadequately served.

The district also undertook a number of other activities. They employed radio and television spot announcements for awareness and distributed flyers in shopping centers,to school volunteers, to volunteer coordinators, as well as to community liaison workers, parents, teachers, a minister's committee, college volunteers, and community and civic groups. They developed articles for the local paper and a pediatrician's handbook and arranged for the showings of films on public television to publicize the childfind effort.

While the well established in-school referral process continued as the out-of-school childfind activities were initiated, some staff raised concern about serving all these children. Early in the 1977-78 school year, the district asked for and received some clarification from the SEA as to their options. Because the LEA represents such a large proportion of the State's

students, a dispute about which agency should serve the children with certain handicapping conditions was deliberated at the SEA level. The need to serve the children located through out-of-school efforts as clients of the public schools was clear because the LEA could not vouch for the quality of educational services delivered to these children in other settings. The situation demanded a trade-off between serving the children within existing facilities and contracting for services from private providers. At the same time, private providers approached the LEA to suggest a range of services that might be contracted if new funds were available.

Decisions regarding resources had to be made at the State level in some instances, because the LEA lacked the authority to commit funds for contracting services. Even within the central office, the administrative structure was such that the allocation of staff and facilities to serve these children was problematic. It also proved to be difficult to obtain evaluations for these children since the office of the Director of Special Education did not command these staff resources.

As the planning process evolved concurrently on the State and local levels, compromise solutions were reached which involved mustering available resources, planning new services for some children and contracting for services for other more severely handicapped children.

b) Childfind Consequences

There were four consequences identified in District B.1 which related specifically to the childfind assurance.

(1) Some special education teachers' duties involved promoting referrals within schools.

As in the past, special education students have a slight mystique about them due to the teachers' lack of knowledge. Because of their training, the special education teachers are viewed as the experts at the school building level. Some are being asked to provide assistance to the regular education teachers. They brief the other teachers at faculty meetings to assist the school district central office staff; talk individually with other teachers about problems being encountered with students; and visit and observe students in the regular education setting. The resource room teacher is generally

more involved than the self-contained class teacher.

While it is not unusual for special education teachers to be involved in these activities, the amount of involvement and the degree of cooperative relationships between building level staff to locate the unserved and inadequately served is unusual. For example, in one school the teacher, with the approval of the principal, handles all referrals. She goes to the regular teachers and asks them to note any children who have problems, are different from the others, and appear to be in need of special education help. This teacher tries to inform the other teachers about special education services and talks to parents to explain the program.

(2) Two staff members were assigned to locate severely retarded children and high school aged children on long-term suspension.

Two coordinators were assigned the responsibility to coordinate identification and to provide services for unserved and inadequately served children. Role assignments for these two staff members were delineated on the basis of the largest numbers of children with the highest level of need: one coordinator had responsibility for severely handicapped, pre-school children and the other had responsibility for children who were on long-term suspension from the public school. The "advocacy" position of these two individuals made it possible for them to cross some administrative barriers within the LEA, to summon resources in terms of facilities and staff, and to address problems which affected these two groups. Thus each coordinator was aware of the special needs of the population, such as transportation, facilities renovation, and the need for support services. The two directors took the initiative, gathered available resources, and initiated early discussions on issues related to the implementation of the intent of the law as it applied to these two groups.

(3) Private agencies have vested interests which affect cooperation with the LEA in locating children.

Childfind efforts were "enhanced" by several private and public agencies functioning as advocacy groups within the LEA and by local civic organizations. These included groups receiving Federal monies through Developmental Disabilities

and local groups funded in part by the State's Department of Health and Human Resources and the United Way. Such agencies could effectively handle individual children needing services and were successful in expediting the evaluation and placement for some children.

The other source for first-priority children in the 1977-78 school year was other institutions within the LEA jurisdiction. These children were of particular concern because it was apparent that the LEA could not vouch for the services they were receiving within these settings. Private agencies assisted the LEA in counting first-priority children hoping that the LEA would contract with them to serve certain types of handicapped children.

(4) Locating "new" children was seen as incompatible with improving services for handicapped children already in public school settings.

Although the attitude of the central office special education staff towards identifying and serving new population groups was energetic and positive, there was some feeling expressed at other levels that promoting services to out-of-school children strained resources which would otherwise be available to serve other special education programs or regular education programs. This attitude is understandable in light of the fact that some of the first-priority children (particularly the younger group of multiple handicapped children) were already served by other agencies. As discussions between private providers and the school system considered required services and associated costs, it became apparent that children would receive fewer services from the public schools. As the needs of the most severely handicapped were considered further, some questioned serving the most severely handicapped first. Staff members felt that P.L. 94-142 demanded services which were support services, rather than direct instructional services.

2. Assessment

a) Assessment Process

Assessment in this district is done by evaluation teams, some of which are

university-based (three teams) and others which are administered by the Director of Psychological Services. Four teams are State-funded, and two are locally funded by the LEA. Additionally, one SEA-funded team tests referrals from private parochial schools. There are also two ESEA, Title I teams. While each team is contractually obligated to test 400 children, the university-based teams usually test slightly more than that number as a "good faith" effort. The university coordinator reported that the greater metropolitan area was several teams short in terms of the formula that the SEA uses to determine how many evaluation teams should be assigned to regions. In the past, evaluation teams often crossed LEA lines to accomplish testing in areas of greatest need; but now evaluation teams serve only their assigned areas and quota.

Referrals for assessment are sent from the building principal to the Director of Psychological Services. Permission from the parent is secured at the building level before the referral is forwarded. A liaison officer in the district office examines all referrals to see if previous assessments have been done and to confirm the need for an individual evaluation. When a school principal requests that a "block" of children be tested, the liaison officer will often see if there are alternatives to requesting a large number of individual evaluations. The psychometrist is the first to assess children so they may be either assigned for classroom assessment services if further referral is not necessary.

Generally children are listed by school in order of the referrals. Priorities set at the district level include: out-of-school children, long-term suspensions, acute disruptive behavior, suspected child abuse cases, and children who have not been reevaluated in more than three years. Referrals are assigned to the appropriate team approximately two weeks before the team's visit to the school. A key team member, the education consultant, often goes to the school before the evaluation team to discuss referrals with teachers and principals, observe the child and his/her cumulative folder, organize the information for the evaluation team, and pick out the most "vulnerable" classes and suggest services. Generally the district office assigns only the number of referrals that can be tested during that visit. Typically an eval-

uation team tests eight children per week, visiting two school buildings each week. Due to the centralization of referrals, the evaluation teams are not aware of the number on the waiting list which may range from approximately one to two thousand depending on the time of year.

The LEA reports that most children (62%) are tested in about six months from the initial referral, although the impression at the building level is that routine referral from the classroom currently takes upwards of two years to be tested. Over 90% of the children who receive individual evaluations are found to be in need of specialized services.

Because evaluations are not administered directly by the LEA, many children get "lost in the shuffle." The evaluation teams schedule building visits. If the child is absent that day, there is some attempt to make up the assessment later in the week, but the child may get passed over for assessment unless the principal intervenes. Because of the long waiting time for evaluation, many referrals are imcomplete and inaccurate when the child's name reaches the top of the list. For example, the waiting list included 150 such referrals on March 1, 1978, representing children who had moved or changed schools since the initial evaluation referral.

Team members may include a psychologist, an education consultant, a social worker, and a speech-hearing therapist. All members are involved in each evaluation, and the report is the result of a group consensus. Similar evaluation batteries are administered by both local and university-based evaluation teams. The team report yields a social history, an assessment of educational functioning, a recap of previous testing, an assessment of socio-emotional factors, the level of intellectual functioning, and summaries and recommendations. A determination of the handicapping condition and a recommendation for placement are always included; long-term goals and instructional objectives may be specified, as well. Team coordinators report that careful and thorough evaluation helps to ensure nondiscriminatory evaluation. In the 1978-79 school year, the Socioistic Multi-Pluristic Approach was used to balance cultural differences. Some teams report that individual assessments may take longer since P.L. 94-142 because of the level of severity of the children being tested and the variety of cases that are referred for assessment.

Reevaluations pose additional problems within the LEA. Two-member evaluation teams, consisting of an educational consultant and a psychologist, were used to perform reevaluations in the 1978-79 school year. An audiologist and speech therapist were often added for hearing and speech cases. By and large, children who need reevaluations within the LEA have been referred for testing. Some of these reevaluations have become top priority because it is felt that children in special schools must have current assessments to be in compliance with LRE. It is also felt that new assessments must accompany children who are likely to be moved from one instructional setting to another placement, often less restrictive.

The evaluation reports are sent to the Director of Special Education where they are reviewed and edited. At this point, questions about the assessment may be asked of the evaluation teams. In the majority of cases, every attempt is made to follow the evaluation team's recommendation.

b) Assessment Consequences

There were five consequences identified in District B.1 which related specifically to the assessment assurance.

(1) <u>To deal with the increased assessments, numerous trade-offs were made</u>.

The increased numbers of children requiring assessments strained the resources of the district and necessitated trade-offs between coordination and testing. While the evaluation teams tested a few more than their quotas, there was no way to alter testing practices to meet local needs without SEA policy changes.

Two administrative realities limited communications and served to complicate the evaluation situation further. First, the university-based evaluation teams were independent of the LEA and argued that the quality of the service was a higher consideration than the numbers of children awaiting assessment. During the 1977-78 school year, the university-based teams engaged in deliberations about the future of the "independent evaluation team system." The best defense appeared to be "quality evaluations" in each case, while processing a number only slightly higher than in previous years.

Tradition dictated that each evaluation team be given only the names of children who were to be evaluated over the next month of testing; therefore, while there was some awareness of the length of the waiting list, evaluation team members reported that they had been given a list of names which corresponded to the number of children they could be expected to test over a four-week period. The situation appeared as severe in schools served by LEA-funded teams, since the intensive four-hour evaluation was the mode of practice across all teams.

During the first year implementation, the administrative structure separated the Director of Special Education from the evaluation unit which increased uncertainty in projecting needs for services. While the Director of Special Education or one of the regional coordinators might be aware of a child who was in need of service, the evaluation inevitably took a long time, and it was difficult to monitor a single case. Given the administrative structure, one office seldom commented on the success or failure of the activities of another, nor was it possible to shift resources or coordinate efforts smoothly.

(2) <u>A pre-assessment is often completed before a referral</u>.

There are now generally two levels of assessments which precede the formal evaluation. The first is comprised of the normal pre-screening activities at the building level. The regular education teacher, in consultation with the principal, collects work samples, may perform assessment, and speak with the special education teacher in the building about the child's problem. The second pre-assessment constitutes a new step in the assessment process. The education consultant, an evaluation team member, goes to the school before the other evaluation team members to observe and collect information so students can be screened a second time. This results in very high probability that a child will be recommended for special education placement by the evaluation team.

(3) Modifications in the assessment procedures and definitions are affecting the classifications of students.

Evaluation team members have voiced concerns that the increased number of students in need of full evaluations may threaten the requirement of "nondiscriminatory testing"; and new operational definitions may also modify classification. The two SEA recommended procedural changes having the most impact are the use of the Socioistic Multi-Pluristic Approach (SMPA) for testing intellectual functioning and the need for a psychiatrist to participate in the diagnosis of emotionally-disturbed (ED) students. The SMPA gives students from culturally-deprived environments a ten point "bonus" on their I.Q. score. The effect is to reclassify students formerly identified as EMR to a "slow learner" or as TMR to EMR. While special help still is needed, some feel, these children may not receive it. Because the need for the psychiatrist to participate in the diagnosis of the ED student, sometimes the student is not identified as a special education student and/or waits for a long time for assessment. In other districts in the State, the students are sometimes classified as LD or EMR so they can receive services, but there is little evidence that occurs in this urban district.

(4) There were fewer complaints about assessments during the 1978-79 school year.

As the waiting list for assessment grew during the 1977-78 school year, teachers and parents expressed increasing frustration. A common perception of the assessment "problem" was the State policy. If the problem were to be solved, central administrative personnel argued, the decision would have to be made by the State legislature. While evaluation team professionals involved in assessment were clearly frustrated by the endless "assembly line" of testing cases, the highest level of frustration was experience by parents and classroom teachers. Classroom teachers were caught in the dilemma of referring a child for assessment or as an interim solution, providing more instructional support, more communication with parents, and evidence that the child was receiving some service while awaiting assessment and placement. During the 1978-79 school year, the LEA received additional assessment assistance

from the SEA, which modified the reassessment process to reach more students which in turn resulted in more expedient processing.

(5) Delays were experienced in the assessment process.

The discrepancy between evaluation needs and available evaluation teams was so acute that the LEA reported that it was "physically impossible" to evaluate first-and second-priority children within any reasonable time span. A response to this problem was to set priorities for assessments at both building and central administrative levels, which assisted in accomplishing a set of assessments earlier, but caused a dramatic increase in the waiting time, which grew to more than two years for a classroom-initiated referral. Because the four-member teams were under State contract, there was resistance to contract locally for assessment services, since the district would have to pay for such costs. Moreover, as a private evaluation from a certified evaluation team cost from $200 to $400, the school system, parents, and private agencies did not want to augment the assessment service already available.

Under this atmosphere of intense activity, evaluation teams noted that they were less available for communications at the building level and for in-service training, although some team members worked evenings and weekends to sustain these professionally satisfying activities. However, there was little accomodation to the increased load of referrals; rather teachers continued referring children; principals continued to process parent permission forms; and the evaluation team continued to log in cases and to send out weekly rosters of testing. As assessment was clearly perceived as a model of non-discriminatory testing, the risks involved in revamping this model was seen as considerable.

3. Placement

a) Placement Process

Placement follows the receipt of the assessment report. Placements for children who are classified as Adjustment Problems/Emotionally Disturbed, Slow Learners, Educably-Mentally Retarded, Trainably-Mentally Retarded, or Learning-Disabled are handled by one of the four regional coordinators within the LEA. Other placements (e.g., Multiply-Handicapped, Physically-Handicapped, Deaf, Blind, Homebound, Gifted, Autistic, Hearing-Impaired) are referred to the Director of Special Education. Both within-building and out-of-building placements are handled by the regional coordinators, while the Director of Special Education handles most out-of-school placements.

After each of the evaluation team members completes his/her assessments, the first step in placement process has begun. Because of the care taken in referral, almost all students are recommended for placement by the time they reach this point. Typically, the parent is asked to be present at the evaluation team meeting and is given an oral briefing before the written report is forwarded to the central office. The evaluation team generally does not participate in the placement decision beyond this point except to answer questions that may arise, usually over the telephone. Because of time constraints, the team usually cannot participate in the development of the child's IEP.

b) Placement Consequences

There were three consequences identified in District B.1 which related specifically to the placement assurance.

(1) <u>The placement in public schools of children previously served by private providers created problems for the LEA.</u>

Great concern was expressed by some of the district's central office staff that the level of support services needed to provide appropriate placements for students previously served in private placements was not available in the public schools. Even when services were available, they were not necessarily equal to those the students had previously received (e.g., children brought into the public schools received 180 days of service in contrast to 220 days of service previously provided in the private sector). Based on an estimated handicapped population growth, the projected needs in 1978-79 for facilities

to accomplish the phase-in for all new special education students included approximately 50 regular classroom placements, 32 resource rooms, and 82 self-contained classrooms. These anticipated needs were to serve those previously served by private providers, as well as in-school referrals.

Traditionally, the State and locality contracted with private providers to serve a large portion of their handicapped student population; the district did not have the services available and private schools had been used as an alternative to public schools for parents attempting to obtain a better education for their child. Hence, problems were of two types: the lack of availability of adequate services and resistance to change by parents who were "supported" by the private providers.

(2) Transportation was a problem hindering placement.

Initially, due to concern about the adequacy of placements, transportation needs were cited as a hindrance to the most appropriate placement. A number of things contributed to improving this situation, however. Careful scheduling to transport the handicapped and regular students in shifts and the purchase of new buses helped alleviate the problem. Also, the LEA made more services available which helped the situation. After assessing the availability of facilities for placement, the LEA assigned, for special education use, vacant first-floor "barrier-free" classrooms. Programs using self-contained classrooms for severely handicapped children were also initiated, requiring new administrative responsibilities for local school administrators.

(3) The placement process is improving.

In the 1977-78 school year, major resource allocation problems occurred as the district tried to serve additional children who were awaiting assessment and placement and to serve them in less restrictive settings. Smaller class sizes for special education classes, the poor condition of some of the buildings, and the need for renovation in facilities posed obvious logistical constraints. The deteriorating condition of some buildings, a continuing problem in the district, had implications for serving special education children in facilities equivalent to those used for regular classes.

The magnitude of the problem to provide services is suggested in the extraordinary numbers of children that fell into several categories requiring

expanded or new services. For example, nearly 2,800 "inadequately served" children were located; between 50-100 severely handicapped children were represented in the unserved count; and more than 2,000 children were "in process." The LEA cited staffing problems which impeded full implementation: "Deficiencies in personnel certification limited the availability of itinerant, consultative, or resource teachers for low incidence exceptionalities." In fact, several authorized positions for low incidence exceptionalities went unfilled through the 1977-78 school year because no qualified teachers could be recruited to fill the positions.

A survey of existing special education placements (excluding private placements), reported in the 1977-78 Part B application, showed that less than one third of the LEA's special education children received primary instruction in a resource room/regular classroom setting. In light of LRE requirements, the appropriateness of self-contained settings was reconsidered affecting a population of nearly six thousand special education students. Locating and suppor ing new placements for these children were high-priority, with trade-offs frequently made between assessment and reviews for children already served in special education settings and planning or providing instructional and support services.

Improved placement occurred as procedures were expedited and more appropriate services became available within the public school setting. Many modifications undertaken by the district also contributed. For example, the role of the placement officers attached to the assessment unit changed. Placement officers began screening regular classroom and other building-level referrals, and provided consultative help to the classroom teacher when a referral was not accepted for assessment. Their stated goal was to channel referrals more efficiently so that a high percentage (95-100%) of the children who were referred would be found eligible for services. In addition, placement officers in the assessment unit reviewed the evaluation team results more carefully and monitored both the appropriateness and the restrictiveness of the proposed placement. To some degree, the manner in which this function was performed depended upon perceptions of what the law required.

4. Least Restrictive Environment

a) LRE Process

Two special programs were developed to enhance the range of services within the LEA. One central office coordinator was assigned to a preschool program for severely handicapped children, and another coordinator developed programs to serve inadequately served children and secondary-level children who have been typically out-of-school on long-term suspensions. The preschool program absorbed children who were served by a daycare program operated by a private provider. These two expansions were intended to deal with major service needs identified in the population of first- and second-priority children.

The LEA contracted with "private providers" to supply some services not available in the public schools, although the plan is to develop a wider range of services within the public school system. District-level staff report that a number of private providers approached the LEA offering to provide an expanded set of services on a contractual basis. The LEA decided not to contract for services because of the higher cost of contracted services and the need for the LEA to monitor external instructional programs to ensure quality services. Many of the new placements were essentially transfers of groups of children from one setting to a new, less restrictive setting or transfers of groups of children from "private providers" to the public schools.

Some services were provided on the basis of personnel available to staff certain types of instructional settings. Where several service options (but not always the most appropriate placement for the child) were available, the parents were given the options of choosing from several service alternatives. Stricter lines have been drawn in terms of authorizing payments for support services. The direction is to provide the best possible educational services available within the school. The LEA continually monitors and decides to what degree they are required to enhance certain types of instructional services with support services.

LRE continues to be a major concern of the district. Typically, assessments in private institutions have yielded a number of instances of erroneous classification. For this reason, and because of the sensitive issue of a

racially biased placement, a preferable strategy is to put a high priority on reevaluations and to reduce the number of children served in the more restrictive placements.

b) LRE Consequences

There were four consequences identified in District B.1 which related specifically to the LRE assurance.

(1) The regular education staff are becoming less resistant to "mainstreaming."

In several buildings, there was mild resentment and hostility when staff were told that self-contained classes were going to be moved from special education schools to the neighborhood regular schools. Much of the adverse feelings seemed to be a misunderstanding of a "handicapped child"; many staff felt that severely retarded or severely, physically handicapped children would be placed in a regular classroom for at least part of the day.

After the initial relocation of students and staff was complete, some resistance to the movement of non-neighborhood children into regular schools continued and resulted in some incidents involving both staff and children. Name-calling between groups of children and resentment of school personnel made integration of new special education classes in to regular buildings a difficult situation. This attitude was exacerbated by the feeling that too many children were moved into buildings and that teachers and administrative staff were not given sufficient "advance warning" of changes.

After more than a year of having both regular and special education staffs and pupils in the same schools, the resistance and hostilities have diminished. Fears that the LRE requirement meant "all handicapped children would be put in regular classes" did not materialize; as communication improved between regular and special education teachers, so did the acceptance of special education students. Perhaps the most effective strategy employed by the LEA to dissipate some of the resistance was to allow LD resource teachers to spend time in the regular classrooms to work with the children. Many regular education teachers cited this activity as the reason they had changed their attitudes and had a better appreciation of the job of the special education teacher.

(2) Parents have been fearful of how their child will be received in a less restrictive environment.

Parents of handicapped children were often as resistant to placing their child back in the regular school building as were the regular education staff, but for many different reasons. The reasons stated most frequently were that their children would be ridiculed by the other students and they would receive an inferior education. Initially both of these concerns appeared to be valid to a limited extent. There were cases in the 1977-78 school year when children were removed from placements in private providers only to find that no program existed in the public school. However, the LEA made great strides in the last two years in providing a better atmosphere and educational programs for the child as the LEA gained some control over content and quality.

(3) The mainstreaming concept is resulting in some jealousies and competition between regular and special education staffs.

, the 1977-78 school year, the local building principals complained about new special education administrative responsibilities vis-a-vis new self-contained classrooms, and children "mainstreamed" with resource room support. Changes for entire classrooms of children were mandated by the central office; typically, building principals reported that they had received a number estimate of new children to be transferred to their buildings during the 1978-79 school year that did not specify the handicapping condition. In some instances, children from special education classrooms were reassigned to mainstreamed situations to meet perceived LRE requirements. Several principals felt their authority had been infringed upon because they had not been consulted when plans were formulated to move children to neighborhood schools; one principal felt that he did not have sufficient information about the new population to adequately plan services for the coming school year. In some schools, reservations related to a concern that staff resources would be diverted from regular education activities, while, in other buildings, concerns were expressed about the lack of preparation and the lack of skills related to special education planning. Some principals, especially at the elementary level, saw a major part of their role

as being supervision and support of instructional staff; they reported that their background and experience was outside of special education and that they felt less qualified to provide this kind of support for special education teachers. Some pointed to the time-consuming nature of responsibilities related to P.L. 94-142 (e.g., communications with parents, reviewing IEPs).

The regular education teachers complained about the LEA policy to give special education teachers a 10% pay increment. While they felt the special education teacher's role was a difficult one, they generally did not feel it justified a differential in pay. The regular education teachers expressed resentment because the special education teachers had a smaller pupil/teacher ratio, often supplemented by aide/s, and they had many of these same students "maintreamed" into their classrooms. Part of the resentment subsided when the resource teachers began spending time in the regular classroom and as the LEA modified its policy, by not giving the pay increments to new teachers.

5. Individual Education Programs

a) IEP Process

During the 1977-78 school year, special education teachers were required to write IEPs by October for most handicapped children. As this type of planning was new and the six-page SEA form was cumbersome, considerable extra time was spent by teachers in generating IEPs by the deadline. Considerable time was also spent monitoring IEPs, as the LEA requires an updated IEP every six weeks. The Director of Special Education, who is a member of the State committee on IEPs, contributed to developing a new streamlined three-page form which simplified the 1978-79 IEP effort. Although there was an in-service training for special education and regular teachers regarding the IEP in spring of 1977, most teachers felt they lacked skills to write IEPs. Some administrators were concerned that the writing of IEPs would be a burden on the special education teacher.

Writing IEPs was the responsibility of the special education teacher or the specialist providing services to the child, seldom the regular teacher. When the child was "mainstreamed" for part of the instructional day, the IEP was generated by the specialist who covered primarily the special education instructional settings. Specialists, who deal with as many as 80-100 children

in resource room settings, wrote IEPs for all children they served. While there was considerable variation among schools, IEP development involved the special education staff member who developed a document in the first month of the 1977-78 school year or at the end of that school year for the coming school year. The quality and the extent of the IEP depended on the number of children served by that professional and, to a lesser extent, on the input available from the evaluation team and the administrative support available in the school.

During IEP updating, the child's program was more specifically defined than when the IEP was first generated. Teachers indicated that when they received an IEP written by a prior teacher, they updated goals that they felt were not appropriate. A similar problem occurred when an IEP was generated without much prior instructional experience with the child.

IEPs are based primarily on previous educational and psychological assessments. The IEP incorporates the goals that are specified by the evaluation teams. Generally, the teacher, and sometimes a principal or vice principal, participate in the process of writing the IEP. Parents participate up to 80% of the time in some buildings and seldom in other buildings. Parents frequently sign "waivers" or sign letters of consent for the IEP.

IEP goals are frequently written to correspond to the child's needs as identified in assessment. Because an evaluation team functions as an "independent authority," long-term goals often required materials and equipment which may not be available in the child's classroom. The goals are, however, retained in the child's IEP, with the hope that Federal funds may allow for future expenditures for materials and equipment. For new placements, IEPs are prepared by the receiving teacher, within 20 days after the child enters the special education instructional setting.

b) IEP Consequences

There were five consequences identified in District B.1 which related specifically to the IEP assurance.

(1) <u>The focus of in-service training and workshops was generally IEPs.</u>

In-service training was primarily devoted to explaining how to complete the IEP forms. Information about the law, and special education in general,

was made available through school staff meetings and printed materials developed by the SEA and LEA. The main teacher and, in turn, central office staff concern was the paperwork requirement of the IEP. Although in-service training had been held to develop skills in writing IEPs, both special education and regular classroom teachers in several buildings reported that they felt they lacked the expertise in the 1977-78 school year to use the IEP forms for instructional planning. In the 1978-79 school year, they continued to report a need for training in instructional techniques, but are not as concerned with the IEP form because it has been revised and is easier to use.

(2) IEP process improved but is still time-consuming.

In the 1977-78 school year, the development of IEPs was considered a top priority throughout the State. Considerable staff time was spent during September to develop documents for children already placed in special education programs. To accomplish this task, specialist and administrative staff time was shifted from other activities since no release time was authorized. Specialists' ime could more easily be diverted from instructional activities than could the time of some special education teachers (i.e., teachers in self-contained settings). In this manner, special education personnel in resource room settings represented a time resource which could more easily be redistributed.

Although the time to write IEPs was more or less "forced", administrative time was inadequate for monitoring and reviewing the IEP process, particularly IEP meetings involving parents. In addition, all personnel involved in preparing the first wave of IEPs were determined to change the process for the coming year.

An added complaint at all levels was that clerical time was diverted to log-in, maintain, and update IEP files. The six-week review period for IEPs made for a continuous flow of memos and revised documents.

Special education personnel had reservations about the quality of the IEP documents that were produced in 1977-78. Resentment was fostered between regular education teachers with "mainstreamed" children and specialists; regular teachers claimed they had been given an instructional document with limited experience in using it with handicapped children. They hoped that the IEP would furnish instructional guidance, which it did not do to their satisfaction.

The SEA-developed six-page form seemed too cumbersome the first year. While the special education teachers felt the comprehensive IEP process was too

unwieldy to be workable at the building level, they were enthusiastic about some elements of the process. The revised and streamlined IEP process was better received by the special education teachers, as far fewer complaints were recorded in 1978-79; yet, the process continues to require much time and effort.

(3) The development of IEPs for speech students is very burdensome.

During the first year, all special education instructional personnel had been required to generate a number of IEPs within a limited time frame; they reacted by quickly outlining documents, by meetings in groups to facilitate the writing of several at once, and by working on their own time. Some personnel delayed providing special education services for several weeks, using this time as an extended "planning period". This was particularly the case where teachers were writing IEPs to support children "mainstreamed" in regular classrooms. Speech therapists, who were responsibile for writing IEPs for 80 to 100 children, used the form to write notes about their diagnostic observations from initial sessions. As special education personnel were charged with the task of writing IEPs for the full school day for each child, there was often a lack of communication, between the regular classroom teacher and the specialist, regarding goals for each child. Some special education staff reported that they wrote IEPs with general goals, hoping that these goals would be revised during the school year.

The IEP form was originally designed to provide a focus for the implementation of several provisions such as LRE and due process. An interdisciplinary staff was expected to be involved in determining the contents of the document. However, because a large number of IEPs were completed only by special education staff members, specifically speech therapists, the comprehensiveness of the proposed process was not achieved. Staff members also lacked the skills to write the comprehensive IEP document and the time to explore the planning process for the individual child. The goal of providing comprehensive services was not feasible; coordination continues to pose a problem. The problem persists where a large number of IEPs have to be developed by a limited number of special education personnel.

(4) The development of the IEP is often not complete when the student is placed.

Several reasons existed for the inappropriate phasing of IEPs and the placement process. Part of the problem stemmed from dissatisfaction with both the IEP process and quality of the resulting document, which lacked a full description of the child's needs. This, in turn, provided a questionable basis for discussions with parents. Although there were some attempts to follow the IEP process as outlined, the responsibility of producing the document rested with instructional personnel who often received information regarding the child after the goals and objectives were written.

The special education personnel developed coping strategies to prepare for the next year. The initial writing of the document remained a continuous process, although there was an attempt to gather more information and to start earlier in the year. New placements were handled expediently during most of the year. As the end of the year approached, there was some attempt to begin writing large numbers of IEPs. This extended time lag between development and implementation resulted in many IEPs that had to be modified.

A contributing factor to this delayed IEP development was the separation of instructional delivery personnel from the evaluation team. The IEPs may not incorporate the evaluation results or may reflect the findings inaccurately, since the evaluation team members have little time available to meet with teachers.

(5) The implementation of IEPs is having an impact on instruction and is changing staff roles.

The IEP is used by the SEA as one of the primary devices for monitoring LEAs and in turn, by the LEA for monitoring the buildings. SEA teams focused their monitoring of LEA implementation on IEPs -- the quality of the documents and the delivery of services. The LEA also used the IEP document as a means of assuring that contracted services were delivered appropriately by private schools to satisfy their concerns of compliance with P.L. 94-142 requirements. Other areas, notably assessment and due process, were monitored independently so that discrepancies in LEA performance could be traced to the appropriate office or unit which had authority within the LEA. Assessment results had decreasing importance in developing the program for an individual child because

the responsibility for revising the IEP document, conducting annual reviews, and suggesting changes in placement was placed on the instructional personnel.

As implied, the IEP affected the delivery of instruction and the roles of special education teachers and others. A new position was created to coordinate and monitor the quality of services being delivered under contract services using the IEP mechanism. With regard to the development of IEPs, principals and vice principals were given new responsibilities and served as administrative representatives in IEP meetings when the parents were present. Some suggested that this was to the detriment of their other duties and that regular education students suffered because of it.

6. Due Process and Parental Involvement

a) Due Process and Parental Involvement Process

During the 1977-78 school year, there has been little awareness of P.L. 94-142 due process requirements, except for parent consent for assessment, at the district administrative and the building levels. Because the handling of referrals and placements are centralized functions within the LEA, instructional and building personnel were seldom familiar with procedures that existed prior to P.L. 94-142.

The LEA operated under a consent decree which outlined due process procedures. The rationale for not instituting new procedures in response to P.L. 94-142 was the belief that LEA procedures in response to the consent decree placed the district well within the limits of compliance. The focus of due process concerns in the LEA has been somewhat tempered by their experience with adversarial proceedings.

Notification for assessment is routine, and is typically handled by the building principal. The Director of Special Education is responsible for ensuring that parental permission has been granted before the evaluation team assessment. Since P.L. 94-142, permission for placement has been granted in writing. The parents' approval may take place in a meeting with the regional or district Director of Special Education, or through written communication. Informal parental permission was often obtained for assessments, prior to P.L. 94-142, but written permission has now become more common. There appears to

be a concern as to the school's responsibility for quaranteeing that a maximum waiting period for testing is not exceeded. The district developed a booklet of parent rights for distribution in the planning and placement process.

As in other LEAs in the State, the district attempts to obtain cooperation from parents. Much effort is spent in documenting attempts to contact the parents, as permission of both parents is required for testing. In some buildings during the 1977-78 school year, registered letters were sent in order to document the school's attempt to secure signed consent from parents and to invite parents to meetings. The LEA felt the need to obtain waivers from some parents; the waiver opens the possibility of the LEAs appointing a surrogate parent to represent the child's interests, although this option has been rarely used.

Whether or not the parent shows an interest in the planning for the child's program, the two major areas for parent participation are: signing consents or waivers for assessment and placement; and attending informal meetings, generally between the parent and the building principal or the child's teacher. The degree of parent participation varies from building to building. In special education buildings, the amount of parent participation appears to be greater; IEPs and reviews are often done in meetings to which the parent is invited. In other schools IEPs are written by individual teachers, and parent participation consists of informal meetings with teachers to obtain a better sense of the child's program.

Parent participation is sought in situations where the LEA cannot provide the most appropriate immediate program for the child. Here the Director of Special Education meets with the parents and presents the district's options for interim programming, and the parents are asked to choose between a program of homebound instruction and in-school placement.

There was one hearing in the LEA during the 1977-78 school year; the outcome was to uphold the LEA's decision. Although it was anticipated that large numbers of due process hearings over cost issues and private placement would occur during the 1978-79 school year, only a limited number materialized. The hearings were conducted by a hearing officer, usually a lawyer, trained by the SEA.

There are many points of the special education process that reflect due process concerns at the district level; the two most important are priority-setting in assessments and LEA payment for services in private institutions. In anticipation that the number of due process proceedings would increase during the 1978-79 school year or that there may be a review of the original consent decree, a lawyer was placed on retainer by the LEA. The view taken by the Director of Special Education is that hearings will be appropriate as "test cases" and that judicial clarification of some of the LEAs responsibilities vis-a-vis P.L. 94-142 "will be welcomed."

b) Due Process and Parental Involvement Consequences

There were three consequences identified in District B.1 which related specifically to the Due Process and Parental Involvement assurance.

(1) Parental involvement varies from school to school.

Schools with a history of high parental involvement continued to enjoy their participation, especially in IEP-related matters. Many of the parents had limited sophistication in understanding their child's needs and the program recommendations. Interestingly, to a great degree, issues related to the "best interest of the child" were usually initiated and resolved through local "advocacy groups," rather than through direct parental involvement. Part of the reason was that parents did not exercise their options; parental involvement in the IEP meetings was also partially a result of IEP monitoring by the SEA. Staff time was seldom sufficient to implement this aspect of IEP development, and there was no administrative decision to reassign responsibilities for parental involvement at the building level. Because of other time demands related to special education, a choice was exercised by administrators and instructional personnel to abbreviate activities related to parental involvement. In some buildings, parents were given the options to sign waivers and to furnish written consent in lieu of attending meetings. Other schools within the district tried to cope by keeping meetings brief or by bringing parents together in groups to alleviate the need for the individual meetings, all of which discouraged parent involvement.

(2) A large amount of staff time was devoted to involving parents in their child's educational program.

Additional staff time has been spent, at the building level, in communicating with parents. The time burden has fallen most heavily on administrators (principals and vice-principals), who must be included in official parent meetings, particularly IEP meetings. To some extent, this expenditure of time in meeting with parents may be symptomatic of other problems of implementation. As waiting lists for assessments and services continued, the meetings with parents became more frequent and required a higher level of staff involvement.

What has been most typically reported at the building level is a hesitancy to implement some requirements of P.L. 94-142 because too much staff time would be involved. Early in 1977-78, the LEA pointed to additional costs of postage for registered mail associated with notice and consent to parents as a resource problem, but the use of administrative and instructional staff time was clearly the more serious concern.

(3) The due process requirement sensitized school and central office staff to legal obligations of the law.

The law has created a climate of heightened awareness concerning issues of accountability. Some school professionals felt hearings were inevitable early in the 1977-78 school year. Local advocacy groups and community agencies were active in training workshops and in supporting better practices in special education. They claimed that some of their strongest support came from frsutrated professionals within the school system. Central LEA staff noted that some issues requiring interpretation of the law needed clarification through the informal hearing process. Certain issues have been identified within the LEA which may give rise to adversarial proceedings, such as whether conformity to the consent decree, under which the LEA has been operating, guarantees compliance with P.L. 94-142 safeguards.

There is a broad concern with the legal ramifications of several issues related to liability and legal accountability. This is expressed throughout the district by questions about liability related to service delivery, assessment, IEPs, and private providers. For example, teachers may restrict goals stated in the IEP to those which are most achievable and measurable; evaluation

team members feel most comfortable with a team recommendation; administrators attend meetings in case there is any need for mediation or compromise with the parents. Repeated efforts by the LEA to clarify points of legal accountability suggest the general sensitivity to legal action during the stages of implementation. However, due process practices related to planning for individual children and conforming to the specifics of P.L. 94-142 was not a high priority in 1977-78.

The large numbers of hearings originally scheduled did not occur, even though the SEA identified and provided training for lawyers to act as hearing officers. When the SEA withdrew the funds that had been given to private providers and redirected it to the LEAs, many due process proceedings were begun and some were heard. When they were brought before a hearing officer, the few cases were long and arduous affairs. Many hearings were prompted by private schools within the District because of the threatened loss of funds if the students went back to public schools. After the first hearing the director of the private school choose to seek funds elsewhere rather than proceed with the hearing process and so all other cases were withdrawn.

B. GENERAL CONSEQUENCES

There are three consequences identified in District B.1 which are of a general nature, cutting across many assurances.

1. State and local regulations and procedures go beyond P.L. 94-142.

The general perception has been that State law and local policy are more stringent and demanding than the Federal law. The State passed a law more prescriptive (e.g., IEPs were required for gifted and talented children) than P.L. 94-142 shortly before the study began. However, it emphasized documentation for compliance as do the LEA's policies and procedures. As a result, paperwork and procedures for safeguarding student and parental rights are extensive requirements. Except for administrative staff and some informed teachers, there is little distinction among Federal, State, and local requirements.

2. Attitudes have improved toward the law and special education.

Teachers, administrators, and parents now have more positive feelings toward the law and special education generally. The IEP is still time-consuming,

but improvements in the form and increased proficiency through familiarity have lessened the impact. Parents of special education students at least now have contact with the school with a potential for full involvement. The central office staff are becoming more comfortable with the process after implementing the various provisions. Regular education teachers are less resistant to providing special students with the least restrictive environment.

Beyond overcoming the fear of the unknown in implementing the law, the change in attitudes is partially attributable to a diluting of the stigma that had been attached to special education by including gifted students (a State law requirement) and by decentralizing special education. Additional training through further in-services and workshops would probably improve the attitudes even more. All types of staff and parents have voiced a desire to be better informed.

3. Staff have devoted more after-hours time to school related matters.

While the 1977-78 school year required the heaviest commitment on the part of teachers and administrative personnel, such commitment has continued. The development of IEPs, requirements to increase assessments and involvement of parents, plus the normal duties, generally could not be accomplished during the regular day. In addition, special education teachers attended evening meetings to learn how to complete State forms; administrators worked long hours to prepare for due process hearings and to initiate new programs.

CHAPTER III

CASE STUDY OF SITE B.2

Case Study Organization

I. THE CONTEXT
   - A. DEMOGRAPHIC
   - B. WEALTH
   - C. GOVERNANCE
   - D. SCHOOLS
   - E. EXTERNAL ORGANIZATIONS
   - F. LEA ROLE PLAYERS
   - G. ORGANIZATIONAL STRUCTURE
   - H. INTERNAL BUREAUCRATIC INTERFACE

II. THE SPECIAL EDUCATION PROGRAM
   - A. ORGANIZATION
   - B. SERVICES PROVIDED AND STUDENTS SERVED
   - C. PRIORITIES

III. IMPLEMENTATION PROCESSES AND CONSEQUENCES
   - A. SPECIFIC CONSEQUENCES
   - B. GENERAL CONSEQUENCES

I. THE CONTEXT

A. DEMOGRAPHIC

District B.2 is a suburban county with a total population of about 62,000 according to a 1976 census population. The district has experienced rapid growth in the last ten years due mainly, to young families moving from a neighboring large metropolitan area. The local economy is dependent upon heavy industry, with oil refining being a major contributor. Some dependence upon farming and fishing exists in the southern part of the district which is more rural.

B. WEALTH

Information prepared by the State public affairs research council shows the 1975 per capita personal income within the district to be about $5,500. This is slightly higher than the State average of $4,800 and represents an increase of about 18% since 1969. In comparison to the approximately 60 other municipalities within the State, District B.2 ranks in the top 10% in per capita personal income.

Poverty level indicators utilized by district officials for Title I purposes focus mainly upon the eligibility criteria for free lunch. For the 1977-78 school year, five elementary, two middle, two high, and four non-public schools participated in the Title I program which was funded at about $300,000. Approximately 1,400 pupils were eligible to participate in the program which included 13 of the 17 regular schools plus all four of the parochial schools within the district. During the 1978-79 school year, the Title I program was funded at about $350,000, and increase of approximately $50,000.

Funding available to the school district comes from local taxation, revenue sharing of State taxes, and various Federal programs administered by the State Department of Education. The district provides about 39% of its education budget from local revenues; 60% is contributed by the State; the remainder comes from miscellaneous sources.

C. GOVERNANCE

The district School Board consists of 11 members who reside within the local governmental jurisdiction. The Superintendent, a native of the area, is appointed

by the Board. Monthly meetings are held on the second Tuesday of each month, and the public is openly encouraged to attend and participate. Special meetings are held as needed. The Board is responsive to local parent groups. Most school-related issues are similar to local political issues. There is considerable cooperation between the Board in District B.2 and surrounding districts, especially the neighboring metropolitan area. The Board makes most of its decisions independently, however, as it does not share many of the characteristically urban problems experienced by its neighbor.

The local municipal governing body consists of eleven members each elected locally from one of eleven districts within the county. The members elect their own president. All serve four-year terms which overlap. They prepare the local budget for voter approval, set the local tax rate, hold referendums for additional taxation approval, enact local ordinances, and conduct other business related to local government.

D. SCHOOLS

The school district has nine elementary, four middle, and four high schools. There are also one vocational school center and one vocational/technical center. The 1978-79 enrollment count showed a total of 11,250 pupils in grades K-12; in 1977-78 the total enrollment was 11,800. Compared with the 1974-75 enrollment of 13,000, it is evident that the district has been experiencing a declining enrollment over the past five school years. There are four parochial elementary schools (K-8) within the district boundaries and one private school (K-10). The total 1977-78 enrollment for these parochial and private schools was about 2,000 pupils.

E. EXTERNAL ORGANIZATIONS

All outside agencies cooperate with the public schools, including Veterans of Foreign Wars, American Legion, Y.M.C.A., Kiwanis, and several others. State agencies for health and social services have local offices and support efforts of the school district. No unusual agreements or requests for funds have developed as a result of P.L. 94-142. Close working relationships established in the past continue to prevail with the district handling most all of the new special education requirements.

Advocacy groups located within the district include the Association of Retarded Citizens (ARC) which has operated a facility, owned by the school district, which has served severely and profoundly handicapped youth, who come

from the surrounding area.

Special interest groups within the district, which may have impact potential with the Board, include the teachers association and the parochial/private schools. In the past the teachers association has been supportive of the efforts of school district officials to provide quality educational programs. Recently, however, about 100 teachers have unionized and continue to pressure the School Board to recognize the union as the sole bargaining agent for all teachers. The teachers association has a membership of about 400. Neither group is being recognized as the sole or predominate organization of teachers within the district.

F. LEA ROLE PLAYERS

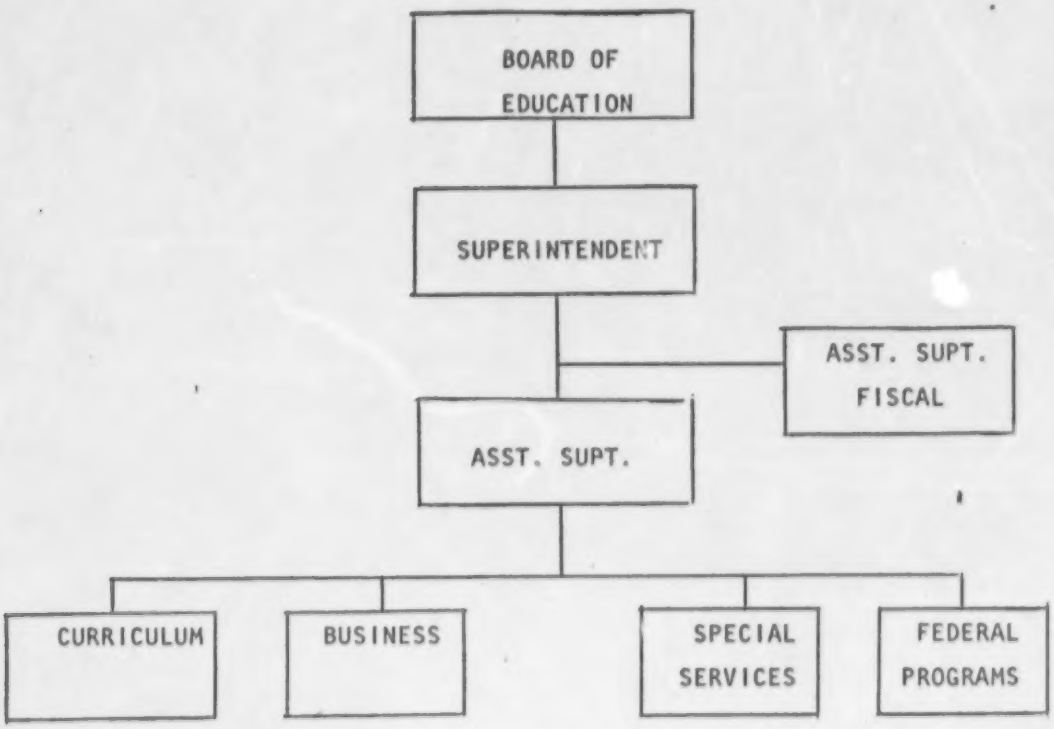
The management style of the Superintendent is one of calm and determination. He leaves the operational responsibility for department management to the assigned administrator. All administrators maintain open communications with the Superintendent and consult on decision-making and planning activities. The current Superintendent moved up through the ranks in the district and has served as a teacher, supervisor, principal, and associate superintendent. As a result, professional staff at all levels know and trust him.

Central office administration is divided among four coordinators who are responsible for operational and business matters. Special education is under the Coordinator of Special Services and is administered through a Supervisor of Special Education. Most supervisors in Special Services have additional responsibilities; the Supervisor of Special Education also oversees vocational rehabilitation, vocationally handicapped, ESEA Title IVB, and Section 504 of the Rehabilitation Act. Most central office administrators have been in the district for a number of years and attempt to run a well-organized system. Clashes in management styles are infrequent and are usually related to program functions rather than personalities.

G. ORGANIZATIONAL STRUCTURE

The district's organizational structure is displayed in Exhibit B-IV The Superintendent's office includes an assistant superintendent position which, in turn, oversees the four coordinators of curriculum, business, Federal programs, and special services. Each coordinator manages numerous supervisors, who are responsible for implementing ongoing operational functions within the district.

EXHIBIT B-IV: ORGANIZATION OF DISTRICT B.2
(MODIFIED)



The Supervisor of Special Education, under the Coordinator of Special Services, is responsible for special education matters within the district including all areas relating to P.L. 94-142 requirements. This multiple-area of responsibility places additional burdens on the Supervisor of Special Education but also provides coordination of district efforts related to special education matters. The district recently revised its policy manual and prepared new job descriptions for administrators and supervisory personnel. Content of the final policy manual is anticipated to reflect additional State regulations requirements relating to special education and the affected administrative staff.

The budget process for the district occurs over a period of several months. Each school department submits its budget to the Assistant Superintendent for Finance. The budgets are combined and refined before being forwarded to the Superintendent and Board. Specific Board meetings are devoted to budget hearings where the local community can provide input. The budget then goes to a State Board which gives final approval by the end of December.

The 1978-79 total district budget was about $14 million, of which $2 million is allocated specifically for special education. In 1977-78, the total budget was about the same with only $1.3 million earmarked for special education. During 1974-75, the total district budget was about $10 million with more than $600,000 allocated for special education purposes. These figures reflect a net five-year total budget increase of nearly $4 million, of which more than a third was used to increase the special education budget.

H. INTERNAL BUREAUCRATIC INTERFACE

The operating organization within the district is informal and quite relaxed. Administrators and other professional staff openly share and cooperate with each other in completing their assigned responsibilities. Administrators have almost continuous open communications with the Superintendent and actively seek his assistance in program planning activities. Board confidence in the Superintendent is in evidence as most new or modified program areas are approved with little discussion.

Superior-subordinate roles at lower levels are characterized by the same close working relationships and cooperation in evidence at higher administrative levels. Informality exists but does not interfere with duties. Local district staff observed during the study period were quick to exchange information and to help each other when necessary.

II. THE SPECIAL EDUCATION PROGRAM

A. ORGANIZATION

The organization of special education within District B.2 is relatively simple although it has been expanding in the last two years. The Supervisor of Special Education is part of the area of Special Services within the District under the supervision of the Assistant Superintendent (see Exhibit B-IV). The other members of Special Services are visiting teachers and the school nurse. The central office staff for special education, until last year, consisted of the Supervisor of Special Education. A childfind coordinator was added in 1977-78 and positions for a part-time physical therapist, occupational therapist, social worker, and educational strategists were approved in the EHA, Part B LEA Application for 1979.

The Supervisor of Special Education has been with the district for 18 years, teaching special education until the 1973-74 school year when she became the Supervisor. The Supervisor is responsible for the special education curriculum; implementation of P.L. 94-142; vocational rehabilitation; vocationally handicapped; ESEA Title VI, Part B; diagnostic services, both referrals and evaluations; and the Rehabilitation Act of 1973, Section 504. The Administration of the special education program has been assisted by the cooperation of the building level principals who are generally sophisticated and supportive of special education. The other source of support comes from a well-qualified special education instructional staff.

The childfind coordinator, who is responsible to the Supervisor of Special Education, has two primary areas of responsibility: the coordination of all childfind efforts and the collection, maintenance, and monitoring of IEPs. In addition, the childfind coordinator assists in the planning and advisory council meetings, works with school principals to coordinate referral and evaluation for children in need of special education services, and performs other duties related to the implementation of P.L. 94-142.

The educational strategist's prime duty is to design educational programs for unserved handicapped children. The educational strategist also evaluates the effectiveness of educational programs, consults with teachers to assist

them in implementing the instructional programs, confers with parents on the child's program, and assists in the collecting and monitoring of individualized educational programs.

B. STUDENTS SERVED AND SERVICES PROVIDED

District B.2 has been steadily increasing available services for handicapped students. As in other suburban districts, the total student population has been decreasing over the past vive years. The numbers enrolled in special education has increased from about 6% in 1974-75 to 10% in 1977-78 and to nearly 11% in 1978-79 (see Exhibit B-V). The district serves students in special education who are either learning disabled, educable mentally retarded, trainable mentally retarded, emotionally disturbed or socially maladjusted, physically handicapped, visually impaired, hearing impaired, speech impaired, educationally handicapped, slow learner or other health impaired. The special education percentages of total students and of handicapping condition is displayed in Exhibit B-VI.

The special education program provides a continuum of services based on the type of educational need that exists and offers a curriculum adjusted to the individual need, interest, and abilities of the students which best provides for their academic, vocational, personal and social growth. When possible, special education students are returned to regular classes. Otherwise, they advance according to achievement levels within the special education program. Special education students participate in the regular school program through individualized scheduling based on performance and behavioral capabilities of each student. Some phase of special education service is offered in each of the seventeen schools in the system. Educational settings include homebound instruction, special classes, support services in resource rooms, speech therapy, and vocational rehabilitation.

Transportation is provided for handicapped students through the regular transportation program or by special bus if needed. In addition, parents are reimbursed for transporting students with special needs to programs not available in the public school system.

The special education staff in this district consists of 18 teachers of special class, 15 for mentally retarded, one for hard of hearing, and 2 for

EXHIBIT B-V: DISTRIBUTION OF ENROLLMENT FOR TOTAL AND SPECIAL EDUCATION STUDENTS

LEVEL	1974-75 ENROLLMENT		1977-78 ENROLLMENT		1978-79 ENROLLMENT	
	TOTAL	SPECIAL EDUC.	TOTAL	SPECIAL EDUC.	TOTAL	SPECIAL EDUC.
ELEMENTARY	6,356	310	5,719	414	5,407	402
MIDDLE	2,216	325	1,980	412	1,855	434
HIGH	4,409	200	4,141	358	4,020	381
TOTAL	13,161	835	11,840	1,184	11,282	1,217
PERCENT OF TOTAL ENROLLMENT	100.0	6.3	100.0	10.0	100.0	10.8

EXHIBIT B-VI: SERVICES PROVIDED BY HANDICAPPING CONDITION

	Percent of Total School Population	Percent of Handicapped Population
Learning disabled	4.44%	44.09%
Educable mentally retarded	1.29%	12.85%
Trainable mentally retarded	.22%	2.14%
Emotionally disturbed	.02%	.16%
Socially maladjusted	.97%	9.68%
Physically handicapped	.10%	1.03%
Visually impaired	.02%	.16%
Hearing impaired	.06%	.56%
Speech imparied	2.21%	21.97%
Educationally handicapped/Slow learner	.31%	3.09%
Other health impaired	.43%	4.28%

emotionally disturbed. In addition, it has 22 resource teachers, 1 home/hospital teacher, 6 speech pathologists, 3 vocational education teachers, and 42 teacher aides. Additional services available are those of a school nurse, vision and learning screening, and school counselors.

C. PRIORITIES

In accord with the provision of P.L. 94-142, District B.2 established priorities, in their LEA Part B application, "for providing a free appropriate public education to all handicapped children; first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education." The district initiated a child-find program to locate the first priority children. In the past, the district had contracted with the local Association for Retarded Citizens to perform this function. It is significant that the first person to be hired, as explained earlier, to expand the central office special education staff beyond the Supervisor of Special Education was the Childfind Coordinator. About every means of public communication was employed to inform the public and to locate these children.

To serve the second priority children more adequately, the district developed a plan to monitor and screen children more closely. IEPs were monitored to locate children not receiving all the special education and related services specified. Within the district-wide kindergarten program, all students were screened and referral for diagnostic services were necessary. A program of awareness workshops was initiated for teachers and administrators, which included periodic group faculty meetings. Classroom observations were encouraged by teachers and instructional supervisors.

III. IMPLEMENTATION PROCESS AND CONSEQUENCES

A. SPECIFIC CONSEQUENCES

Within this part of the report, we describe how the school district implemented each assurance examined in the study. At the end of each assurance process description, consequences relating to that assurance are presented. Effects of the law which relate to more than one assurance are presented under the heading General Consequences.

1. Childfind

a) Childfind Process

A vigorous childfind program was initiated because of the P.L. 94-142 requirement to provide counts of first-priority children. Articles in newspapers, flyers, and other media materials were developed, both to publicize childfind and to inform the public about special education. A full-time childfind coordinator was appointed to run the campaign, which included meetings with private institutions, physicians, social workers, church pastors, and private charitable groups.

Fifty-two children were identified in the 1977-78 childfind effort. This population of first-priority children is characteristically more severely handicapped than children already being served within the school system and includes children being served in private centers. The district anticipates continued problems in providing service to many of these children, but plans to provide services for all but a few within the public schools.

During the 1978-79 efforts, the childfind coordinator had greater input into the development of the local plan. Activities were planned for each month of the year. There was also a vital effort to coordinate the childfind services within District B.2's region of the State containing four other districts. In this way, a comprehensive campaign was organizaed at local levels. The State department supported the effort by providing a State coordinator whose task is to be a public relations person, develop a statewide logo, provide campaign strategies, and coordinate State advertisements with local efforts.

Once the child has been referred by an outside agency or special interest group, the childfind coordinator is responsible for contacting the parents and arranging for a conference to elicit the parents' cooperation in evaluation.

There have been a small number of parents who have refused to sign the permission for evaluation. Children located through childfind efforts are given top priority for evaluation. These evaluations generally proceed slowly as they are more comprehensive. This is due to the severity of multiple handicapping conditions for some of these children and to the detail of information needed to recommend appropriate services. The entire process, from referral to evaluation to placement, takes approximately six to eight weeks.

Emphasis this year was placed on counting children served in private institutions, particularly those outside the LEA. The LEA encountered some difficulty in obtaining these counts, perhaps because the stance of the LEA is to assure the quality of services in these private settings. The LEA does not anticipate the necessity for serving these children in most cases, but does want to maintain accurate counts of all children within the jurisdiction.

b) Childfind Consequences

There were three consequences identified in District B.2 which related specifically to the childfind assurance:

(1) Full-time staff member was appointed as childfind coordinator.

This staff position was the first professional staff position to be added in special education at District B.2's central administrative level. The childfind program was approached with enthusiasm. Local agencies have a history of cooperation in referring children. The cooperation continued after the implementation of the law. After the campaign had been successfully launched during the first year, added responsiblities were given to the childfind coordinator in terms of monitoring activities related to implementation. As described in the processes, the childfind coordinator has continued in that capacity and has expanded activities directly related to childfind.

(2) A vigorous childfind program is employed.

The district placed childfind high on their priorities, dedicating much staff time and resources to locate and serve first-priority children. As in other sites in State B, radio, television, and other public service announcements and advertisements were used to notify the public of the rights of the handicapped student to a free and appropriate public education. In addition, the district designed and distributed and attractive brochure describing the special education

program. On the cover was the district's poster girl.

First priority children were located, partly because of District B.2's history in special education and through the impetus of the law. The expectation for the future is mixed. Some in the district believe childfinds will continue to increase for a few years and then plateau. Others don't believe the numbers of handicapped children located has been affected. The fact remains, however, the percentage of students identified as special education is increasing while general enrollment is decreasing.

(3) Children being located are generally the more severely handicapped.

Many of the children were previously served by private providers who traditionally helped the severely and profoundly handicapped. The LEA made plans to serve these "new finds" in public schools; the only barrier to implementing these new services was the hiring of new staff members certified in the designated disability areas.

2. Assessment

a) Assessment Process

Under the new State regulations, a screening committee assesses the student before there is an official referral for an individual evaluation. In the district, which is departmentalized at both the elementary and secondary levels, three teachers must agree that a child needs an individual evaluation before a referral is made. When the formal assessment occurs, the three-teacher agreement, with other supportive information, is forwarded to the evaluation team.

District B.2 has been served since 1973 by two university-based evaluation teams of four members each. One was assigned full-time and the other half-time, guaranteeing that approximately 600 children would receive individual evaluations during the academic year.

This year, 1978-79, the process has changed slightly. An assessment coordinator has been hired to facilitate the district's assessment efforts and the number of members on an evaluation team has become flexible for both evaluations and reevaluations. It is the assessment coordinator's responsibility to decide who will be on the evaluation team. The number of team members and the type is dependent on the naure of the individual case based on the information

supplied by the district. Last year a simple referral form was submitted, but this year other teacher reports and private evaluations are also included. The composition of the team always includes an educational consultant and one or more of the following: psychologist, social worker, speech and hearing expert, psychiatrist (required by the State in the case of an emotionally disturbed placement), medical personnel, or others as needed. Frequently, reevaluation is conducted by two-member teams.

The evaluation teams work on a list of children provided to them by the Supervisor of Special Education. The teams travel from school to school within the district. The forms used for referral and for the evaluation are those provided by the SEA. Evaluation priorities include candidates for the gifted/talented program and childfind cases.

When the teacher makes a referral for evaluation or reevaluation to the district office, s/he must attach a signed parent permission for the testing session. The child is then placed on the school's list for testing by the evaluation team. This procedure is similar for children who were in special education settings and did not have current evaluation results and for children who were being transferred from private institutional settings. This procedure insures that written permission is granted each time a testing session is scheduled. If the parent refuses permission for testing, the child remains in his/her present instructional setting.

The LEA Supervisor of Special Education coordinates the list of children to be tested by the university-based evaluation teams and makes decisions as to which children and/or which buildings will be visited first. Immediate recommendations regarding placement may be conveyed verbally to the Supervisor of Special Education. The evaluation report, in its final written form, is returned to the Supervisor of Special Education.

b) Assessment Consequences

There were six consequences identified in District B.2 which related specifically to the assessment assurance:

(1) <u>Students with speech and hearing problems are experiencing delays in assessment</u>.

Speech cases were arranged numerically according to severity for assessment purposes. The caseload had to be equalized. In the cases where students were delayed in placement beyond the start of the school, they required a formal evaluation by the university-based evaluation team. Without the speech cases, the university teams were nearly a year behind in new evaluations for learning disabled and educable mentally retarded at the beginning of the year. With speech students in addition, much longer delays could be experienced.

(2) Assessment process is speeding up.

The university-based evaluation teams have been burdened with the additional evaluation requirements and numbers of students to be evaluated. The additional requirements result from increased numbers of students for reevaluations and, in some instances, more stringent assessments. The additional students are a combination of the students located through childfind efforts and the inclusion of gifted children, under State law, in special education. The State department provided emergency funds this past summer to hire private evaluation teams to help alleviate some of the backlogs in the assessment of the students.

In October 1978, there were still 200 students on a waitlist for evaluation. As the year progressed, the process improved and the waiting time for assessment decreased from nine months to three months. The time is still not within the 30 to 60 day requirement, but this situation is continually improving.

(3) Assessments for emotionally disturbed students are being delayed.

State B requires, for the assessment of emotionally disturbed students, the inclusion of a psychiatrist's review. Generally, the university-based evaluation teams are not staffed with a psychiatrist and it is difficult to include one. The assessment coordinator has requested a modification in interpretation from the State and is awaiting notification. Many of those students referred as emotionally disturbed either are waitlisted for evaluation or are assessed as learning disabled so some services can be provided.

(4) Assessments are used to qualify students for special education.

According to some learning disability teachers, at least some of the increase in learning disabled students is not due to childfind, but rather to parental

attempts to solicit individualized education for their child. Some parents are paying about $300 for private evaluations of their children, most of whom are diagnosed as learning disabled. The special education resource centers are attractive to the parents because of low pupil/teacher ratios, degree of individualization, and availability of materials, all of which are generally not available in the regular education class. Also, educable mentally retarded and trainable mentally retarded are frequently taught elsewhere in self-contained classes and gifted students are part of special education, so the resource centers have virtually no stigma attached to them. The majority of students entering special education by these means have some learning disabilities, but they have learned to compensate for their difficulties.

(5) The number of evaluations were cited as barriers to achieving full educational opportunity goals.

The numbers of initial and full evaluations needed by the LEA increased markedly as a result of the new procedures. All resources needed to accomplish full evaluations were outside of the admin'strative control of the LEA. There was an absolute ceiling on the number of evaluations the university-based teams contracted to perform, so that the only available alternative was waitlisting.

(6) The length of time necessary to process referrals is affecting attitudes.

Last year, routine classroom referrals took up to one year to process. Since the classroom teachers had not been aware of priority-setting in the waiting list, there was considerable frustration with the time to process a referral and the lack of information about the test results. Although certification of the handicapping condition was conveyed verbally to the Supervisor of Special Education, there was often considerable lag time before written results were sent to the district. As a result, instructional personnel were unable to obtain the detailed version of the report for use in their planning.

This year, as was stated earlier, the length of time needed to process referrals has been shortened. Teachers have responded favorably; their attitudes have been far more positive the second year.

3. Placement

a) Placement Process

Referrals for testing are given to the university-based evaluation teams by the Supervisor of Special Education. The testing report, based on the

individual evaluation, includes a recommendation for placement. Prior to placing a child on a waiting list for evaluation, other attempts to serve the child may have been made by regular teachers and educational strategists. Evaluation has lagged from one month to one year after referral, although the Supervisor is kept aware of the types of children represented in the waiting list to project needs for facilities and personnel.

Some control over the placement process is insured by the handling of referrals and the setting of priorities within the waiting list for evaluations. The LEA refers to the evaluation teams, slightly more than the quota of 400 children each year for evaluation. The waiting list has been kept at the LEA level, so the evaluation teams were not always fully aware of the population of children awaiting referrals. Much of this information gap has disappeared with the employment of the assessment coordinator.

When a new program, to serve children with a given type of handicapping condition is planned by the LEA, all children for whom this program may be most appropriate are screened -- that is, each "candidate" for the service is given a full evaluation. This mode of screening insured, that when the new program becomes available, it is filled with children who have been waiting for services or waiting for evaluation. When no program is available, options such as home instruction are utilized. In this way, children identified in childfind have been "placed" during the school year. The evaluation team report is received by the district Supervisor who handles placements at the building level, as well as out-of-school placements. When it is not possible to fulfill the team's recommendation, the Supervisor may call in members of the team to discuss service alternatives available within the LEA. Generally, parental permission is obtained for placement into special education services. When parental permission is not forthcoming, the placement is not made.

b) Placement Consequences

There were three consequences identified in District B.2 specific to the placement assurance:

(1) <u>Some handicapped are temporarily "placed" in a homebound program.</u>

There have been only limited services available for preschoolers and the severely/profoundly handicapped. This has given rise to a homebound program to

be used until a placement is available. In some instances, the homebound program is thought to be necessary for difficult children, such as those needing toilet training or having problems adjusting to the school situation.

The homebound placement occurs much like any other, with an IEP developed through normal channels (university-based evaluation, parental conference, inclusion of teacher observations where possible, etc.), reflecting the LEA's attempt to be responsive to the law. Generally, the homebound teacher spends about one hour per visit, twice a week with the child.

(2) Gifted/talented placement is available.

The LEA emphasized the development of a new gifted/talented program. These children were accorded high-priority evaluations, and planning was conducted in the same way as for other exceptionalities. This State requirement did not appear to pose a problem in the availability of resources. State-funded instructional staff positions were authorized and the director of special education requested carry-over funds which had been authorized for the 1977-78 school year for half-time special education positions.

(3) Decisions on placement are made at the LEA.

Placement, in the sense of assigning a child to one of a range of instructional settings, obviously takes a different form where diagnostic/prescriptive teaching is practiced systemwide. Although the child receives a formal evaluation and a placement recommendation from the university-based team, team members reported in 1977-78 that the LEA did not follow the placement recommendation in all cases, but rather implemented an individual program which typically was based on a formula of regular classroom instruction and resource room support. Where the child's handicap is more severe, the formula implies more time in the resource room setting. This decision is made at the central LEA level, although variations in the percentage of time the child actually spends in a special education setting are implemented at the building level.

4. Least Restrictive Environment (LRE)

a) Least Restrictive Environment Process

The district, primarily as a result of childfind activities within other

agencies, undertook a program to serve severely retarded children who were transferred into public schools at the beginning of the 1978-79 school year from service centers run locally by private providers. The LEA interpreted P.L. 94-142 as requiring the transfer for two reasons: 1) the LEA must ensure that LRE is followed; and 2) the LEA must ensure that all facilities within its boundaries meet minimal standards. Since the LEA does not contract out for services, they must hire new personnel to make additional placement options, for more severely handicapped children, available within the LEA.

Placement of more severely handicapped children is a continuing problem for the LEA, which depends on a system of "selective mainstreaming" to provide services for handicapped children. Systemwide, all children (including handicapped children) are grouped by their instructional level. Thus, a handicapped child would be ability-grouped with other children. The LEA pointed out that they were fulfilling the "mainstreaming" requirement of the law even before the 1977-78 school year, since the focus of instruction for all children was the individualized program.

Presumably, mildly handicapped children could be served best within this structure. Other children were provided traditional special education services in a "continuum of settings." In some situations, "selective mainstreaming" for activities like gym and music has resulted in large age discrepancies between the handicapped child and his non-handicapped peers.

The "selective mainstreaming" approach does suggest, however, that the individualized program more accurately describes the content of the child's program than does the placement -- since the placement for the great majority of children is the regular classroom with resource room support. The extension of diagnostic/prescriptive teaching to regular education further suggests that there may be less incentive (on the part of parents and instructional staff) to label a child as handicapped, since instruction may already be provided at the child's level of performance.

b) Least Restrictive Environment Consequences

There were six consequences identified in District B.2 related specifically to the LRE assurance:

(1) Communications have improved between regular and special education staffs.

In some cases, increased communications are a result of closer proximity.

The new preschool and severely/profoundly handicapped programs brought professionals together in the same location and promoted discussions on educating these handicapped. In other cases, the law created renewed interest, as educational plans were developed to educate the handicapped. Both regular and special education teachers were relatively more sophisticated in District B.2 than is typical in other LEAs within the State. These instructional personnel were concerned about the quality of services, and felt they lacked skills to deal effectively with the number of handicapped children who were integrated into their classrooms. Classroom teachers at both the elementary and high school level complained and sought help because they felt they did not have adequate skills, information about the individual child, or support from special education teachers to function effectively with handicapped children.

(2) The numbers of handicapped students are increasing.

Increased opportunities for handicapped students have attracted them into programs they would have avoided in the past. Junior and senior high schools in the district are beginning to feel the impact of retention of special education students at these levels. Previously, the handicapped student frequently dropped out of school or transferred to a vocational school.

(3) New staff hired to provide LRE.

The district has developed programs and hired teachers and support personnel to implement the LRE assurances. Nine new teachers were hired in the 1978-1979 school year, four for new categories in the areas of gifted, preschool, and the severely/profoundly handicapped; and five for existing programs in LD, ED, EMR, and TMR. Many of these teachers have certification in more than one area. For example, the teacher for the preschool program is certified in Early Childhood, LD and MR. The support personnel hired to assist in the implementation of LRE are the educational strategist, part-time nurse, part-time physical therapist, occupational therapist and social worker.

(4) Teachers feel more children are mainstreamed than should be.

The educational philosophy which characterizes this LEA is seen as compatible with LRE requirements of the law, in the sense that "mainstreaming"

is supported to the maximum extent possible. The system of individualized instruction for both regular and special education appears to be accepted with varying degrees of enthusiasm from building to building. There is some concern, usually voiced from the standpoint of professional judgment, that the educational philosophy of the LEA is not providing the most appropriate instructional setting for all handicapped children. Teachers, who served four to six handicapped children "mainstreamed" in their classroom (with resource room help), reported that the mainstreaming seemed to have benefits for some of the children, but did not seem appropriate for other handicapped children.

Instructional personnel, predominately regular classroom teachers, questioned the appropriateness of instructional settings that were assigned to some children, typically children who were more severely handicapped or more distractible or disruptive in the regular classroom. They felt that the child was required to accommodate a considerable change in environment as s/he moved between the regular classroom and the resource room. Classroom teachers were frustrated, not by the nature of the activities required to serve handicapped children within the regular classroom, but by the numbers of children in their classroom that needed special attention and additional planning. In some cases, in the high school area, non-readers were enrolled in college preparatory courses. The teachers coped with it by developing special curricula and tests, often oral. They feel social gains are being made at the expense of academic results.

(5) Building modifications are staged over a period of years.

To accommodate facility accessibility for the physically handicapped, the district has chosen to accomplish modifications slowly over a period of three years. At the present time, there are only modest restrictions for these types of students. Two schools are currently totally accessible for K-8; those students in need are bussed there. Elevators or other modifications will be necessary at the high school level. Bathrooms have already been modified and where possible, such students have been accommodated by having courses scheduled on the first floor. Courses, such as the sciences which require labs, are often inaccessible yet.

(6) Heterogeneous age grouping is used for mainstreaming.

Mainstreaming for non-academic subjects like music and physical education,

has ignored the mix of ages that results from scheduling. For example, last year one physical education teacher complained that he served high school TMR students in classes with first-and second-graders. The two service options, the noncategorical resource room and a "selective mainstreaming" approach, represented extensions of the LEAs educational approach, and raised additional concerns about the suitability of the range of settings for more severely handicapped children. The noncategorical resource room served a range of handicapping conditions, including TMR children, and was non-graded. The selective mainstreaming approach was similarly associated with a lack of concern for the handicapping condition and for the age of the child. Administratively, these service settings presented a problem in scheduling and instructional coordination between regular and special education.

5. IEP

a) IEP Process

The district's Supervisor of Special Education related the IEP to the planning process for individualized programs in place in the district prior to P.L. 94-142. Since the 1973-74 school year, District B.2 has used a manual which addresses individualized instructional objectives and requires written "curriculum guides" for all children.

Completing the six-page State IEP form was a top priority in the LEA to meet the October 1, 1977 deadline set by Federal guidelines. In-service training for special education teachers had been held during the late spring and summer of 1977. In some instances parents were contacted and attended meetings, but, during the first month of the school year, a number of IEPs were generated by special education teachers working alone to satisfy the deadline for children already served in special education settings.

Generally, the special education teacher provided instructional input to the IEP. Where children are selectively mainstreamed, the regular classroom teacher may be furnished with a copy of the IEP, although classroom teachers depend on the special education teacher to write and update the IEP.

The special education teacher was called upon to integrate the child's needs and objectives, as specified by the university-based evaluation, into their overall IEP. The IEP for each child is updated every nine weeks, and duplicate copies are retained in the local building and in the LEA offices.

For the 1978-79 school year, the State department developed a new IEP form three pages in length which the district adopted. The form is no longer maintained in the central office. It has less duplication than the previous one and is being accepted by teachers and parents. The IEP due date for former students was September 1 and for new students is before they are formally placed in the classroom. IEPs are written yearly based on the date of the first IEP (i.e., a child who entered last March does not have a new IEP until the following March).

The IEP process includes a required meeting with parents. The special education teacher, the regular classroom teacher, a building-level administrator, and the parent/s are involved in this meeting. At times, a part of the IEP meeting may be accomplished in a small group presentation. Short-term goals are the focus of discussion in the IEP meeting.

Monitoring of the IEP process within the LEA is the responsibility of the childfind coordinator and the educational strategist. The monitoring process was established midway through the 1977-78 school year and the coordinator visited buildings to do structured observations of the actual instruction of handicapped children (selected on a random basis), to check the quality of the document, and to insure that the instructional services prescribed on the document were being delivered in the instructional setting. This monitoring process required between 30 minutes and an hour to observe the child and consult with the teacher. In addition to the observation and technical assistance provided to the teacher, the IEP monitoring allows the coordinator to abstract information from the child's file (e.g., the number and prioritization of long-term goals, the number of support services, the beginning and ending date for the child's program, the measurability of goals).

Currently, the district purchased computer time for programming the IEP review dates for each month to aid the childfind coordinator and the educational strategist in organizing the IEP monitoring process. They monitor all the IEPs needing review each month. The process continues, month by month, for the entire year.

In summary, the IEP was used for both instructional and monitoring purposes in the LEA; careful attention was given to the quality of the IEP as well as to the instructional use of the document. The LEA's assurance of quality and comprehensiveness in the IEP document was cited as the major means of demonstrating compliance with P.L. 94-142 provisions.

b) IEP Consequences

There were six consequences identified in District B.2 related specifically to the IEP assurance:

(1) IEPs were more easily implemented in this LEA.

The ease of implementation is because curriculum guides had been written for both regular and special education children over the past three years. However, it was felt the IEPs and curriculum guide may represent a duplication of effort. The attention to IEP monitoring may have served to provide additional information about the compatability of the IEP process, as proposed, and the existing "curriculum guides" for individualized instruction within the LEA. While the IEP was easily implemented, but since elements of the IEP could be found in the curriculum guides, there was some question about the instructional use of this new (and cumbersome in 1978-79) document. There was also considerable concern about the frequency of revision required for the IEP.

(2) Development of IEPs is time consuming.

Teachers were less available in resource rooms and other special education support settings during September 1977 because of the IEP deadline. There were no major resource problems introduced by the IEP process in District B.2. Instructional personnel who typically provided resource room, consultative services, and speech therapy services were less available during the first part of the year, while these instructional personnel were diverted to the task of writing IEPs. The process took less time than in other districts because an IEP was compatible with a systemwide approach of diagnostic/prescriptive teaching. Moreover, special education personnel had always been given one planning period each day, and this time could be used throughout the year to write and revise IEPs.

Less time is being used this year. Each IEP conference has been reduced from approximately an hour the first year to 20 or 30 minutes. Over the school year, they require about a week of a teacher's time.

(3) The quality of IEPs has increased.

The IEP process has changed this year. Parents are more active and are voicing their concerns more freely, which has been attributed to the publicity on parental rights. The development of IEPs is more spread out throughout the year with each IEP's renewal staged at the anniversary of its initiation. Where IEPs are developed without the benefit of observation of students' perform-

ance, specific objectives were often in error and had to be rewritten. To cope the district first adopted a policy which allowed observation before the IEP conference. Another strategy was for teachers to develop objectives and bring them to the IEP conference as "suggestions" to the parents. The IEP is not actually filled out before the conference, but all the developmental tasks are completed.

(4) Special education personnel are equipped to handle IEP development.

The most substantial role changes related to the writing of the document were felt by special education personnel. In contrast to many other LEAs in this State, however, the special education personnel seemed to have both the skills and the administrative support necessary to accomplish the task of writing a large number of IEPs. Additionally, the availability of a planning period provided more time to accomplish the writing task. Still, some special education personnel, who provided less intensive services for less severely handicapped children, had to write as many as 100 IEPs. These special education teachers also had to participate in a large number of IEP meetings. In many buildings, it appeared that meetings were scheduled by the special education teachers and/or that these meetings had to be scheduled to make maximum use of the special education teacher's time. One coping strategy was found in holding group meetings for parents, where the specialist would explain the type of instructional approach used for a small group of children receiving the same service.

The IEP meeting also prosed a strain on administrative time at the building level. Since fewer administrators were available, principals and vice principals seemed to spend a majority of their time during some months in activities related to IEP meetings. One administrator identified his coping strategy for this problem as the "hand-shaking" technique; he would appear at each IEP meeting for a brief introduction and would express his willingness to assist parents if they had further concerns about the special education program as described.

It appears that the time consumed in writing IEPs and in holding the required meetings may have had an impact on the amount of time spent by special education teachers in supporting the regular education teacher.

(5) Regular education teachers are not participating in writing IEPs.

Regular education teachers typically did not participate in the writing of the IEP, although they did attend IEP meetings with parents. It was the responsibility of the regular education teacher to ask for a copy of the IEP and related documents from the special education teacher or the principal. Regular education teachers interviewed by this study had not always been able to obtain a copy of the IEP document, and questioned their lack of input into the process. They further reported resentment over the planning period given to special education teachers.

(6) New position was created to monitor IEPs.

The childfind coordinator monitored the IEP in 1977-78, as well as attending to the responsibilities of the position. In 1978-79, a teacher was promoted to a new position with responsibility for IEP monitoring. It is neither an administrative or teaching position; its prime duties are to monitor IEPs, to assist in program design for first-priority children, to conduct informal testing and diagnosis, and to inform parents of the law.

6. Due Process and Parental Involvement

a) Due Process and Parental Involvement Process

In the first half of the school year the LEA had available a pamphlet explaining parents' rights under P.L. 94-142. The LEA had also developed a series of forms that are mailed to parents before evaluation and placement.

Permission for evaluation is coordinated at the building level for classroom referrals; communications are handled by the classroom teacher or the building principal.

Permission for placement may be coordinated by the building principal (acting on the advice of the Supervisor of Special Education) or by the district. The coordination level is dependent on the type (and restrictiveness) of the program recommended for the child. In some cases, contact may be through the mails; written consent is always obtained.

The IEP conferences represented a new and formalized means of communicating with parents. During the school year, letters of invitation were sent to parents, although these letters did provide the parent an opportunity to "sign-off" on the IEP without attending the meeting. In some buildings, many

parents chose to attend the IEP conferences, while in other buildings, most parents stayed home.

The only group of parents who expressed dissatisfaction were parents whose children were being transferred from private providers to public school settings. No due process hearings had been held in this LEA. Increased staff involvement with parents was anticipated to implement parental involvement requirements as outline by the LEA.

b) Due Process and Parental Involvement Consequences

There were two consequences identified in District B.2 which relate specifically to Due Process and Parental Involvement:

(1) Parents are not always involved.

The pre-assessment screening process does not always involve the parents, in terms of consent. Typically, less structured assessments such as, the Wide Range Achievement Test, coordination, visual and auditory perception, letter formation, attention span, and auditory and visual memory are used. Often if parent consent is obtained, the child is referred with screening assessments forwarded to the evaluation team.

In 1977-78 and in the beginning of 1978-79, students were being placed temporarily or visiting special education class for observational purposes, before the IEP conference. In early October 1978, the central office sent a memo to all schools directing them to hold IEP conferences before placement occurs, a directive to which the schools appear to be responding. This has placed an added responsibility on the parents for supplying the school with needed background information.

(2) The degree of parental involvement is varied.

Parental attitudes toward new procedures developed in response to P.L. 94-142 varied substantially from building to building. Where parents had always been active, the additional requirements were not perceived as burdensome. In other schools, staff felt parents were unwilling to be involved, or even obstructive. There was a general lack of availability of staff time. There was some feeling that parents did not understand the content of the IEP meeting and merely trusted

the schools' judgment. Required involvement in the IEP meeting was not seen as beneficial in the planning process. Moreover, school staff seemed to concur with the conservative attitude in the community that special education was receiving too much emphasis.

B. GENERAL CONSEQUENCES

There are three consequences in District B.2 which are of a general nature, cutting across many assurances:

1. Attitudes about the law have improved.

Teachers, administrators, and parents have more positive feelings about the assurances. IEPs are still time-consuming, but improvements in the form and staff familiarity have lessened the impact. Parents had been rather isolated, but now are becoming more active and better informed. The central office staff, after implementing the various provisions, are becoming comfortable with the process. Regular education teachers, who were somewhat resistant to begin with, now seek to be better informed.

Part of the change can be attributed to a diluting of the stigma that had been attached to special education by including gifted students. The general perception has been, with justification, that the State law is more stringent and demanding than the Federal law. This has diverted some of the attention P.L. 94-142 received.

2. Certificate of attendance is sought.

Some frustration has been felt on the part of the special education staff in the district. While they are promoting LRE and individualization of instruction, they realize that many of the students are not going to be able to fulfill many of the general requirements for graduation. Hence, a certificate of attendance or its equivalent is sought so they will be free to modify programs and meet the specific needs of the handicapped students.

3. More money is available for equipment and materials.

Most of the special education teachers have commented on how much easier it is to obtain needed equipment and materials in a timely fashion. The district has had a history of support for special education, however. In fact, this year the SEA supplied $25 per teacher while the Knights of Columbus and the Resource Club supplied $150 per teacher.

CHAPTER III

CASE STUDY OF SITE B.3

Case Study Organization

I. THE CONTEXT
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   - B. WEALTH
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   - D. SCHOOLS
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II. THE SPECIAL EDUCATION PROGRAM
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I. THE CONTEXT

A. DEMOGRAPHIC

District B.3 is a rural school district located in a relatively isolated part of the State surrounded on most sides by water. There are two population centers located some 20 miles apart at opposite ends of the district boundaries. Oil and fishing are the predominant industries with additional economic dependence based upon limited farming. Most recent local census figures show total population in the district to be slightly in excess of 65,000 persons with approximately 22,000 between the ages of 1 and 21.

B. WEALTH

Information prepared by the State public affairs research council shows the 1975 per capita personal income within the district to be $5,550. This is slighly in excess of the State average of about $4,800 and represents a dramatic increase of 95% since 1969. In comparison to the slightly more than 60 municipalities across the State, District B.3 ranks fourth in per capita personal income.

Poverty level indicators utilized by district administrators for Title I purposes focus upon free lunch counts and related income data. During the 1978-79 school year the total Title I budget was about $1.2 million, an increase of 37% over the 1977-78 Title I budget. In the 1978-79 school year, 24 of the local 33 public and private elementary schools and two of the local four high schools participated in the Title I program which served about 2,700 pupils.

Financial resources available to the district include local taxation, revenue sharing from the State equalization formula, and Federal programs administered by the State Department of Education. Local property and sales taxes contribute about 28% to the district's education budget; the State contributes about 71%; and the remaining 1% comes from Federal program sources.

C. GOVERNANCE

The local School Board is made up of 15 members elected from the three regions into which the education system has been organized. Board members as a

whole favor positions in issues which are related to their respective regional interests as compared to the broader interests of the district. The Board as a whole is financially conservative and has not been overly enthusiastic as a result of the pressure it has been under relative to mainstreaming, need for more staff, and additional paperwork burdens within the district due to P.L. 94-142. Members of the Board have attended in-service meetings about P.L. 94-142 and have organized a subcommittee on matters relating to special education. As an indication of its support for special education, the Board did allocate $200,000, which was budgeted for maintenance in 1977, for the classrooms for special education.

The local municipal governing body consists of a policy jury, a sheriff, a coroner, a clerk of court, and an assessor. This jurisdiction has five districts from which the policy jury members are elected. The school board is separate from the local governance structure with a separate revenue raising capacity. Relations between the two structures are typical of rural county systems in the area -- informal and highly political.

D. SCHOOLS

The district has twenty one elementary, three junior, and four senior high schools. There are also two special schools which serve EMR pupils. Total enrollment for the 1978-79 school year was slightly more than 14,000 pupils; a decrease of about 2,000 pupils from the 1974-75 school year. About 600 pupils are in kindergarten, 7,000 in grades one through six, and about 6,200 in grades seven through twelve. In addition, there are five private and five parochial schools with an enrollment of about 2,400 pupils.

E. EXTERNAL ORGANIZATIONS

The main outside organizations which cooperate with the district are somewhat reflected by the composition of the Local Advisory Committee for special education.

Board members	(6)
Parents	(10)
Parent/teacher	(2)
Parent/ARC members	(1)
Parent/Nurse	(1)
Public Health	(2)
Local ARC	(1)
Division of Family Services	(1)
Chamber of Commerce	(1)
Vocational Rehabilitation	(1)
Retired Teacher Association	(1)

There is only one very active advocacy group in the district. Its concerns focus mostly upon a private facility serving handicapped students in the area.

Few other special interest groups are active within the area. Those groups which are influential have their views reflected through the local governance structure, including the School Board.

F. LEA ROLE PLAYERS

The management style of the Superintendent is typical of his counterparts in rural districts in the State. His relations with the board are good, reflecting a mutual trust which has developed over the last eight years. Prior to being appointed Superintendent, he served as ESEA Title I Coordinator. He and the Board support special education as reflected by local decisions to allocate funds, to bring in an "outsider" to head special education, and to change radically the operations of special education over a two-year period.

The Director of Special Education, a native of the State who returned in 1977 to accept the newly created position, has assumed control over all facets of special education. A strong advocate, he maintains close informal relations with SEA officials and others whose support he maintains and uses for leverage for local political and financial support. He is respected for his professional competence by principals and teaching staff within the district. Over time, he has garnered support from several "old-timers" who perhaps were interested in the position to which he was appointed.

Operational responsibility for programs lies with the school principals, who are required to attend Board meetings. When conflicts arise between the principals and central office administration, these issues are often resolved by the Board. Some principals who felt their staff were unable to handle handicapped students (due to the lack of financing, proper facilities, etc.) favored P.L. 94-142, as they believed that these students would now be served by other, more specialized schools; over the last year, however, special education has become less centralized with many handicapped students previously served in "separate" facilities now being served in regular school buildings.

G. ORGANIZATIONAL STRUCTURE

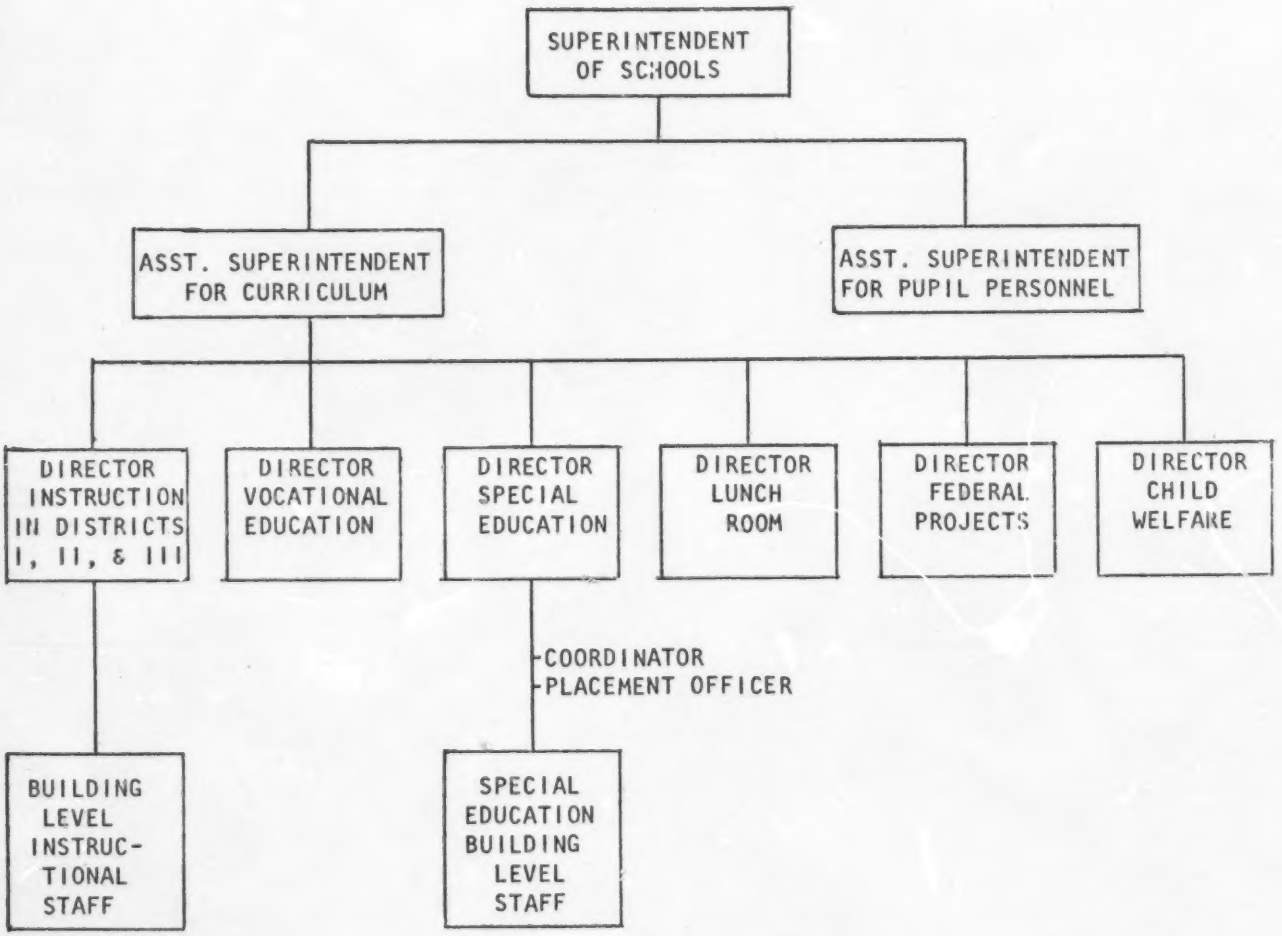
There is little information available relative to a formal organizational chart for the district. Exhibit B-VII depicts an organizational display developed from information obtained during interviews with central office administrators. The Superintendent has overall administrative authority and the Assistant Superintendents and the Director of Special Education report directly to him. The supervisor level includes supervision of instruction in the three districts and supervisors responsible for Federal projects, personnel, attendance, child welfare, financial records, special events, health services, and transportation. The Director of Special Education also selects, for Board approval, a local advisory council and works with the council in planning programs.

Central office regional administration is divided between two Assistant Superintendents who maintain overall administrative responsibility for the three districts within the system and report directly to the Assistant Superintendent for Instruction. The Director of Special Education, a new position created in July of 1977, also reports to the Assistant Superintendent for Instruction on the strengths and weaknesses of the special education program. In actuality, the Director of Special Education reports directly to the Superintendent on most special education matters, especially on matters pertaining to interpretations of P.L. 94-142, related implementation requirements, and viable alternative approaches which require Board action. The Director of Special Education oversees a coordinator of Special Education, who has responsibility for childfind activities, placement activities, and special education instructional staff assigned at the building level.

The budget process for the district is similar to those in neighboring rural sites. The Superintendent prepares the budget in early spring for the Board, which may approve, modify, or reject. Most points of contention are resolved informally. Budgets are usually prepared in anticipation of estimated State funds and "revenue-sharing" funds from the local governance structure.

The total district budget for 1978-79 was approximately $14 million, an increase of about $300,000 from the previous school year. Cost per pupil in 1978-79 was about $1,400 compared to $870 in 1974-75; an increase of almost $600 over this five-year period.

EXHIBIT B-VII: DISTRICT ORGANIZATIONAL STRUCTURE



H. INTERNAL BUREAUCRATIC INTERFACE

A number of structural problems existed initially after the new director was hired. Relations with the "old-timers" was strained as responsibilities were unclear. Over time, this problem has been reduced. Relations with the local university, which trained local staff and provided assessment for special education students, were also strained as the SEA attempted to change the funding mechanisms for the assessment process. However, the Director of Special Education (who formally served as a member of the local university assessment team) was able to use the situation to the eventual advantage of the district.

II. THE SPECIAL EDUCATION PROGRAM

A. ORGANIZATION

No formal organizational chart exists for the District B.3 Special Education Department; the staff is very small. The Director of Special Education reports to the Assistant Superintendent and has informal contact with the Superintendent. The Director has seven staff persons; only two existed in 1977-78. There is a coordinator and assistant coordinator, an early childhood specialist, an educational interventionist, and two secretaries. All special education instructional and support personnel report directly to the Director.

The Director develops all special education curricula, recommends placement for children evaluated by an independent evaluation team, and advises the Assistant Superintendent for Instruction on strengths and weaknesses in the special education program with the help of the staff. The Director also selects, for School Board approval, a local advisory council and works with the council in planning programs.

B. SERVICES PROVIDED

In February of 1978, the Supervisor of Special Education in District B.3 reported to the School Board that to implement full educational services for all handicapped children ages 3-21, the facility and personnel needs were acute. It would require about 55 additional classrooms and about 40 additional teaching personnel. As is reflected in Exhibit B-VIII, the School Board accommodated the personnel needs with a total increase of 47 staff. Substantial increases were made in the areas of resource teachers and speech therapists with numbers nearly doubling. As is indicated, the district also provided services in areas where there was none prior to 1978-79. Severely/profoundly retarded and gifted/talented programs were started. An assistant coordinator, an early childhood specialist, and an educational interventionist were hired to provide additional support services.

The School Board also accommodated the needs for additional facilities at the elementary level. Based on a survey of available rooms, renovations were accomplished when facilities were available and temporary buildings were

EXHIBIT B-VIII: DISTRIBUTION OF SPECIAL EDUCATION PERSONNEL FOR DISTRICT B.3, 1977-78 and 1978-79

		1977-78	1978-79	PERSONNEL INCREASES
Teachers:	EMR	32	36	4
	TMR	7	9	2
	Resource	19	33	14
	Speech Therapist	8	15	7
	Severely/Profoundly Retarded	0	2	2
	Gifted	0	3	3
		66	98	32
Teacher Aides:	EMR	32	36	4
	TMR	7	9	2
	Severely/Profoundly Retarded	0	5	5
		39	50	11
Administrative Staff:				
	Supervisor	1	1	0
	Coordinator of Child Search	1	1	0
	Assessment Coordinator	0	1	1
	Early Childhood Specialist	0	1	1
	Educational Interventionist	0	1	1
	Secretary	1	2	1
		3	7	4
TOTAL		108	155	47

purchased as necessary. At least one self-contained and two resource special education classes are now available in all elementary schools. The secondary level is a priority for school year 1979-80.

C. STUDENTS SERVED

District B.3 served approximately 1,700 pupils in special education during the 1978-79 school year including slow learners and gifted talented (see Exhibit B-IX) and about 1,400 not including them. The largest number of the 1,400 pupils being served were the speech impaired, about 590. The second largest group served was the educable mentally retarded, about 450. The third group, of about 180, was the emotionally disturbed. The fourth largest group was the learning disabled with about 120. The remaining 47 pupils were served in the areas of hard of hearing, deaf, visually handicapped, orthopedically impaired, or other health impaired.

Special education enrollment has increased over the last five years while the district's total enrollment has decreased. In the 1974-75 school year, special education enrollment comprised approximately 6.9% of the total. In 1977-78, the percentage of special education increased to about 8.5 and in 1978-79 to about 11.9.

D. PRIORITIES

In accord with the provision of P.L. 94-142, District B.3 established priorities in their LEA Part B application to provide "a free appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education." The district, because of its limited resources, was strained in trying to be responsive to their written priorities. To identify the unserved handicapped children, the district undertook a number of activities: a key special education staff member was assigned half time to coordinate childfind activities; the district participated in a testing program for 0-3 year olds, sponsored by a state university; they provided new services in the area of speech therapy for needy children ages 3-5; and they scheduled evaluations for pre-schoolers with the district's independent evaluation teams.

EXHIBIT B-IX: APPROXIMATE SPECIAL EDUCATION ENROLLMENT BY CATEGORY FOR DISTRICT B.3 (1978-79)

SPECIAL EDUCATION CATEGORY	ENROLLMENT
EMR	450
Hard of Hearing	10
Deaf	2
Speech Impaired	590
Visually Handicapped	5
Emotionally Disturbed	180
Orthopedically Impaired	5
Other health Impaired	25
Learning Disabled	120
Deaf-Blind	0
Multi-handicapped	0
	1,387
Slow Learners	220
Gifted and Talented	65
	1,672

For the students inadequately served, the district committed considerable resources to provide services that prior to P.L. 94-142 were unavailable. The district moved from serving children in centralized locations to the neighborhood schools. In the 1977-78 school year, they initiated a homebound program "to assure the continued education of second priority children" and they modified the school programs to serve more students in the resource rooms. In the 1978-79 school year, they renovated classrooms and purchased temporary buildings for handicapped students at the neighborhood schools. Their emphasis was at the elementary level this year with plans for secondary schools next year.

III. IMPLEMENTATION PROCESSES AND CONSEQUENCES

A. SPECIFIC CONSEQUENCES

Within this part of the report, we describe how the school district implemented each assurance examined in the study. At the end of each assurance process description, consequences relating to that assurance are presented. Effects of the law which relate to more than one assurance are presented under the heading General Consequences.

1. Childfind

a) Childfind Process

Childfind efforts in District B.3 had a higher priority during school year 1977-78 than during school year 1978-79. The first year effort was essential to facilitate planning for facilities and personnel needs on the part of the district. The activities from April to December of 1977 resulted in the location of 55 children in the age range, 3 to 18. Other handicapped individuals outside this age range were located, but little attempt was made on the part of the school to provide services. Forty-nine of these children received priority evaluations that represented a range of handicapping conditions with a disproportionately high number who are either mentally-retarded or severely emotionally disturbed.

The childfind activities are currently coordinated between the SEA and the LEA. In an effort to provide support, the SEA publicizes the childfind activities at the State and local level simultaneously so more handicapped children can be located. In the 1977-78 school year, childfind was primarily a local effort which included public service advertising on television, radio, and in the newspaper. The local person responsible for the childfind effort met with public and private agencies, physicians and citizens' groups and continued the effort in 1978-79.

Childfind activities have focussed mostly on first priority children. The majority of those who were located were generally being served insufficiently by other agencies and were receiving no educational services. The childfind process aided in finding and counting children who were served in other

institutional settings. The major source of referrals came from other agencies, some of which could not provide educational services, but were serving children and familites in other ways (e.g., health services, social casework services).

Childfind activities within school have not increased as dramatically as the out-of-school activities. The regular education teachers are becoming more sophisticated, but generally not that knowledgeable yet, about the classroom referral process. The district is also probably realizing some resistance due to the length of time necessary to process a child through evaluation and placement (up to a year in some cases).

There was initial concern about providing services for the children located in childfind, but two things have lessened the impact. First, there is an extremely low incidence rate in several categories. This makes it very difficult to provide any services within the LEA so these students continue to be placed in State facilities. Second, the identified first-priority children did not represent a new client population for the LEA. The children identified through childfind generally had the same level and severity of handicapping condition as students previously identified but receiving inadequate services. Hence, the plan for new services served both of these populations.

The district is experiencing about a 10% rate of handicapped students. Even with increased activities in the childfind area, the percentage is not expected to increase because the State has instituted new pupil appraisal requirements that will have the effect of decreasing the numbers of students classified as emotionally disturbed and mentally retarded. In effect, the State is requiring more stringent assessment requirements while raising the minimum criterion for entrance.

b) Childfind Consequences

There was one consequence identified in District B.3 which related specifically to the childfind assurance.

(1) A half-time administrative position is now allocated to childfind activities.

The assistant special education director in this district was assigned the responsibility for coordinating the childfind activities at the LEA level. In light of the limited amount of central office personnel in this district, the priority in which this district places the childfind effort is indicated. The other half of this person's time is devoted to coordinating placement activities.

2. Assessment

a) Assessment Process

Up to the 1978-79 school year, the district had to rely on university-based evaluation teams for evaluation services. These teams were under contract to the SEA with a prescribed quota for the number of evaluations to be completed. Like many of the districts within this State, District B.3 found the lack of control over the evaluation process that this system offered to be intolerable. The Director of Special Education sought and received permission from the SEA to develop his own concept for an assessment program.

The new assessment program consists of steps to limit the number of assessments necessary. In effect, a pre-assessment is completed by the assessment coordinator and the principal to screen students to determine the severity of the case and establish a priority list of students in need of evaluation. An informal meeting is often conducted with the child's teacher to better understand the extent of the problem. If it is appropriate for the child to be evaluated, the initial screening consists of the following: a) formal classroom observation; b) review of student's performance on standardized tests; and c) diagnostic workups on the child, where necessary.

In the cases where there is some question as to the child's problems and needs, as in the case of borderline problems, the child is placed in the assessment program. When fully operational, the program will have assessment teachers trained in observation and testing techniques; currently resource teachers are being utilized. The university-based evaluation teams are used, as necessary, for additional diagnostic work.

b) Assessment Consequences

There were two consequences identified in District B.3 which related specifically to the assessment assurance.

(1) Delays are experienced in assessing students.

Before the law was implemented, the evaluation services provided by the university-based evaluation teams were adequate. After, the increased activities in childfind and within school referrals placed additional pressure on this resource. Delays in assessment occurred in the 1977-78 school year because the number of individual evaluations by the university team was limited by contract with the SEA, over which the LEA had no control. To cope with the increased

caseload in evaluation, priorities were set within the waiting list, and reevaluations were accomplished by two members of the four-member team on suggestion by the SEA. While the waiting list is partially a result of the identification of a number of more severely handicapped children identified through childfind, it seems that new evaluations as well as reevaluations may, in the future, require more testing services than can be provided under the current contractual arrangement with the university-based teams. During the 1978-79 school year, the numbers of students involved and the length of time of the delay decreased substantially.

(2) More attention is being given to assessment.

District B.3 took several steps to improve the assessment procedures in the 1978-79 school year. Near the beginning of the year, an assessment coordinator was hired. His role was to coordinate the assessment activities and restructure the process so the district could evaluate students in a more timely manner. The special education director received agreement from the SEA to establish their own procedures within some guidelines (e.g., the maximum I.Q. has been increased for classification of mental retardation and a psychiatrist is to be included in any diagnosis of emotional disturbance). Pre-assessments are now completed within the LEA.

3. Placement

a) Placement Process

Referrals from the classroom teachers and from parents are assembled at the building level for review by the principal and the assessment coordinator (described in assessment). Childfind referrals are sent directly to the LEA central office, and are processed on a priority basis by the placement officer.

For the childfind referral, the placement process begins when the placement officer accepts the student for evaluations. The placement officer shepherds each case through the entire testing and placement process. Referrals are screened where there does not seem to be a need for special services. The placement officer is aware of all students' needs as process progresses and may look for appropriate placements pending evaluation.

Following the evaluation by the university-based evaluation team, the report is received and logged indicating the date and pertinent information

about the student. The report is then reviewed in terms of needed services for the child. The placement officer is contacted, via a form, to identify student needs and the attendance area school. The placement officer then contacts the school principal and reports on the test results. The principal then makes the home contacts to notify parents and seek their involvement in the IEP/Placement Conference. Decisions are made based on test results, students' needs, and available services with the placement officer presiding.

b) Placement Consequences

There were three consequences identified in District B.3 which related specifically to the placement assurance.

(1) A new position in the central office for coordination of pupil placement was established.

The assistant director of special education has joint responsibility for childfind and pupil placement. In the past, the duties were not as formalized. In the first year of implementation of the law, central administration staff shared the responsibility and acting as a "placement officer". The duties of the placement officer are as described in the process. This represents further structure on the part of the district and an observance of the requirements of the law.

(2) Placement delays are fewer.

The attention the LEA is paying to placement, with increased staff responsibilities and the LEA's effort to increase the availability of services, have decreased the delays in placement. During the first year of implementation, many children experienced long delays because there were more being found through the childfind effort than there were places to put them.

The new classes that were begun have a large percentage of teachers who are not certified in special education. Many of them are employed on temporary certification while they take courses in the area. The history of education personnel in general for this district is one of high attrition so it can be expected that many of these teachers will not be returning next year. In any case, the strategy employed has reduced the number of placement delays.

(3) Parents are happier due to children being placed in neighborhood schools.

Many parents had expressed unhappiness with placement of their children in special education centers that were far from home. In many cases, the children had to take long bus rides to get to the centers. Last year many of the parents refused to let their children participate in special education as too much of their day was spent in travel. Hence, children who were either in regular education classes or in private placement are now entering the district's special education programs and, as a result the parents, have more positive attitudes toward the district and are beginning to participate more.

4. Least Restrictive Environment

a) LRE Process

During the latter part of the 1977-78 school year, individual placements were rare in the LEA. Most changes in placements affected whole classrooms of children, as a number of children were transferred from one instructional setting to another (usually less restrictive) setting. Even initial placements into special education followed this same pattern: generally a group of children who had received individual evaluations and were waiting for services would be transferred in a group when a new service became available by virtue of the hiring of a new teacher. It would appear that this practice will be continued as long as there is a critical lack of facilities available within the LEA and an overriding concern with LRE.

The impetus for some changes in placement for groups of children was the LRE requirement, which was interpreted as a need to serve EMR children in local school buildings. This change resulted in changes in placement and transfers for a number of children to be accomplished in September 1978.

Although the acceptable placement for TMR children in District B.3 has been changed from a special education building to self-contained classrooms within four regular buildings within the LEA, there remains a single placement option for any TMR child. Similarly for all handicapping conditions within the LEA, the placement is implied directly by the eligibility determination for each child. Only two or three types of placements are currently available within the district, and services are available at only some of the buildings. For children who are classified as LD, ED, hearing impaired, or visually handicapped, the designated placement is a noncategorical resource room. Grouping children who fall under

less frequent handicapping conditions presents some instructional problems. An additional logistical problem of numbers has meant that handicapped children who vary in age by more than six to eight years may be served in the same instructional setting.

Unrenovated facilities and staffing constraints account for this difficult situation in terms of locating appropriate placements for children. The more severe is the staffing problem; not only are qualified staff unavailable, but staff qualified to teach in certain exceptionality areas within special education are rare in the State as a whole. Additionally, there are SEA limitations restricting the use of temporary certification for certain types of special education instructional positions. In the coming year, additional special education services will be available, but the nature of these services will depend, by and large, on the success of this summer's staff recruitment.

b) LRE Consequences

There were seven consequences identified in District B.3 which relate specifically to the LRE assurance.

(1) District are allocating local dollars to enhance LRE.

District B.3 has placed LRE very high on their priorities and has attempted to respond to the provision by decentralizing special education. In the 1978-79 school year, the district has committed approximately $200,000 in local dollars for the purpose of purchasing temporary buildings to house resource and self-contained special education in neighborhood schools with insufficient facilities and for renovating existing buildings to accommodate the handicapped student's special needs, such as bathrooms, hallways, etc. The renovation process will probably require 5 to 6 years to complete as the new LEA policy for special education is very different from the way the students were educated in the past.

Another area of capital outlay for the district is transportation. Busses have been ordered to carry wheelchair students from their homes to school and for school-related activities.

(2) General support is being experienced for the concept of decentralization of special education.

Parents, building level administration, and regular education teaching staff are very supportive of providing LRE through decentralization of special education.

Parents are generally enthusiastic as it means their children are now attending neighborhood schools where the parents have easier access with more community involvement. Many of the principals looked forward to bringing the special education into their schools. Many are sensitive to stigmas that can be attached to labeling and avoid it where possible.

The reasons cited by teaching staff for supporting decentralization were many, as benefits were anticipated for regular and special education students. Some were excited when they heard special education was going to have classes in their schools because the proximity would allow students in regular classes that need special help to have a better chance in getting it.

Where some schools had self-contained special education classes, there was often a heterogeneous age grouping, ranging from very young to high school aged students. Most of these classes were in elementary schools. With decentralization the students were grouped more homogeneously by age within schools, which is seen as a very positive outcome of the law.

Many of the regular education teachers were strongly in favor of having special education students mainstreamed which is probably attributable to the awareness information provided by the LEA special education central administration. On the negative side, some teachers had no objections to having special education students mainstreamed in their classes as long as it doesn't hurt the other students. There was considerable apprehension about potential discipline problems but at this writing they did not materialze. Those favoring mainstreaming saw it as preparing the student for the real world, bringing to school the socialization process that currently exists outside the school setting. One teacher observed that the EMR child gets along fine as long as the other regular students don't know the EMR child is in a special education class. "The special education student is not socially retarded."

The support seems to be affecting the handicapped students' self concept and performance. One special education teacher said, "This is the first year in the seven years that I have been teaching special education, that I can say that the special education children are taking an interest in themselves. They are not in the same rut. They take more interest in their studies."

(3) Special education programs have been decentralized.

The special education programs have been decentralized except for 14 to 18 year olds. There are now special education classes in eleven schools where

previously none was available. There are now two resource rooms per elementary school, one in junior high school, and one in high school. In all, the resource rooms have nearly doubled. Some problems were experienced when implementing the decentralization as IEPs, students, desks, and materials were shifted around to follow the students.

(4) New special education programs are initiated.

To be responsive to the least restrictive environment assurance, the LEA started a number of new programs. For preschool, a home-based program that authorized two teachers and a three-district consortium for motor development was begun. A new program was started for the severely and multiply handicapped at a special education installation that is privately operated. In the past, this program served a broader range of handicapped students that are now back in public neighborhood schools. Three centers were also begun to serve secondary TMR students. These facilities approximate home environments to train the students in day-to-day living activities.

(5) Degree of mainstreaming varies with the severity of handicapping condition.

Students participating in noncategorical resource rooms (LD, ED, and moderately VI and HI) and speech programs are integrated into the regular education programs, but those with more severe handicapping conditions are involved to a lesser degree with regular education students. EMR students participate in physical education, fine arts, industrial arts and library activities but not in academic areas. Next year it is planned that these students will be involved in the reading program with the slow learners. TMR students only have contact at lunch and recess, but friendships are developing nonetheless with this contact. At the secondary level the problems for EMR and TMR are more severe, as there is more separation due to progressive differences in mental functioning. The profound HI and VI are still receiving instructional services in state schools.

(6) Many of the special education teachers are in need of training and support.

The district experiences some difficulty in attracting qualified personnel. Hence, many of the special education teachers hired to fill the newly created

positions were not certified in special education. They ranged in training from regular education teachers to sociology majors. Some are working towards certification in hopes of continuing as a special education teacher and some have realized through this year's experience that they are not interested in continuing.

The lack of teacher training and the increased burdens on the Director of Special Education have created a need for more guidance. Many of the special education teachers are not confident enough in themselves and they are concerned that someone should observe them and their students so curricula can be developed to meet their needs. Their lack of special education background is hampering them when it comes to selection of materials and use of special education instructional techniques. The special education central administration staff could provide this needed direction but P.L. 94-142 has kept them busy complying with its assurances.

(7) Communications now exist between regular and special education teachers.

In many cases in the district, this has been the first opportunity for regular and special education teachers to talk with one another. Now that they generally are in the same building, communication is physically possible. They meet in the halls, or the playgrounds, etc. and discuss individual students and education programs in general. The communication began with a cooperative effort among regular education staff, special education staff, and building administration.

In the beginning, many of the regular education teachers and administrators were fearful because they did not know what to expect. They were somewhat indifferent to the EMR student, as most of them started in regular education, The administrators expected discipline problems. They also expected custodial cases, physically handicapped, and emotionally disturbed to be mainstreamed. As they became more aware they began to realize that most of their fears were unwarranted. Discipline problems did not materialize; and generally the physically handicapped and emotionally disturbed could be mainstreamed.

5. IEP

a) IEP Process

After assessment is complete, the principal contacts the child's home and organizes the IEP and Placement Conference. When the principal receives confirmation of the conference date, the placement officer is notified, who in turn prepares for the IEP meeting. The placement officer conducts the IEP meeting, which generally covers the following areas:

- A review of the data in the assessment report to establish the need for services.
- A review of the services available within the district.
- A discussion of the child's strengths and weaknesses and the anticipation of the child's long range goals
- Parents are requested to contribute to the process but rarely do.
- Parents are asked to sign a due process form and a consent agreement with the IEP.
- If time permits, specific objectives are developed in the meeting and, if not, within 5 days by the teacher, who forwards it home.

Generally, the program is developed matching student needs to available service before the parents are involved. They have the option to reject but very infrequently do.

The IEP process has been an SEA priority. This year, a multiple part IEP form was developed and adopted by the SEA. It is three pages long: (1) placement decision and record of meetings; (2) annual goals with evaluation documentation; and (3) specific objectives cross referenced to annual goals with evaluation criteria. The district, as all others in the State, are using the form and consider it an improvement in previous procedures.

b) IEP Consequences

There are six consequences identified in District B.3 which relate specifically to the IEP assurance.

(1) By the time they are implemented, IEPs are often unusable.

The majority of the IEPs in this district are developed in the spring for use the next fall. The reasoning for such an approach is the child's teacher in the spring is knowledgeable of the child's needs and so can

develop the IEP without delaying for a period of observation. This presents problems, however. Frequently, the teacher who implements the IEP in the fall is not the one who developed it and often the child changed sufficiently through summer loss or maturation that the IEP is not usable.

(2) The development of IEPs is affecting instruction.

Many of the special education teachers view the IEPs as beneficial and worthwhile, but there is also concern over the loss of instructional time due to their devleopment. Estimates during the first year of implementation for a special education teacher in a self-contained class to develop the IEPs were approximately two weeks. During that time no instruction took place. This year, it is taking far less time as the staff has become more familiar with the procedure, but there is still the loss of about two days. Both of these estimates are low in comparison to some of the resource teachers and speech teachers. It should also be noted that specific objectives for the IEP are often developed later, which accounts for some of the savings in time.

(3) IEPs are becoming an integral part of instruction.

The school district interrelates IEPs, scheduling, report cards, etc. so the IEP becomes part of the instructional process. Last year this was not the case. IEPs were looked at as just another burden and requirement of the law. Part of the change is attributed to in-service of special education teachers, part to briefings for regular education teachers, and also part to its no longer being new and different.

With involvement and understanding by the special education teachers, has also come the awareness that their teaching role is changing. The teachers see themselves as moving away from their roles as baby sitters to a role of instructor with accountability.

(4) Specific objectives for IEPs are usually written without the parents.

There is little involvement on the part of the parents in developing IEPs. The parents in this district are primarily unskilled or semi-skilled labor who have considerable trouble in spending much time during the day at their child's school. Most have the attitude that they have nothing to contribute when it comes to their child's education and would not want to second guess the school personnel. The IEP form is a three page document developed by the State. The

last page is the specific objectives. The parents can sign off on the first two pages and third is revised as needed. Revisions are sent home as completed.

(5) Instructional delays are experienced in attempting to involve parents in IEP development.

In situations where parents' participation is solicited (usually the first time a child is screened for a special education placement), delays are experienced of up to two or three months before the IEP can be developed. The general rule is they must be contacted for their participation at least three times before the IEP will be allowed to be signed off. Teachers and staff often make telephone calls and visit parents on their own time with only minimal success. The special education staff continues their efforts even though their success rate is low, because they view the IEP meetings as their only opportunity to have contact with the parents. When successful, it is usually a rewarding situation as they "learn a lot more about the child through the discussions".

(6) The development of IEPs are more difficult at the secondary level.

The development and implementation in the secondary schools present problems when the child is to be mainstreamed. More than one regular education teacher would have to be involved if the child is to rotate from class to class. The coordination of such activities is not traditional in secondary education and meets with a great deal of resistence. There is a further problem in that it is almost impossible to bring all those involved together at one time. Hence, the regular education teacher is usually not involved in development or implementation of the IEP.

6. Due Process and Parental Involvement

a) Due Process and Parental Involvement Process

While assurances have been adopted at the LEA level to assure parental involvement throughout the evaluation, placement, and special education programming, the emphasis in the district was permission-granting by parents, rather than parental participation. This policy perhaps arises from the attitude that parents of handicapped children are not always able to contribute to making a special education placement decision and may be unable to assist the school's efforts by supporting the child's program at home.

The theme of many of the in-service training workshops was to make the teacher a better public relations representative. This need within the LEA has been echoed by the district special education director and reflects the LEA stance in responding to the needs of the community and the community's lack of knowledge about special education.

The parents have control over their child's program. If the parents reject the recommendation, the previous placement generally remains in effect for the child. In addition to initial meetings, the parent should be informed at least annually about the child's program. Descriptive program information is reflected in the IEP, and it has been suggested that the parents may be asked to sign off on the IEP. Practices related to continued informing of parents are LEA policy, but do not appear to be reflected by any changes in practice.

b) Due Process and Parental Involvement Consequences

There are two consequences identified in District B.3 which relate specifically to the Due Process and Parental Involvement assurance.

(1) <u>The district is experiencing difficulty in getting parents to participate in their child's education program.</u>

Parental involvement may be welcomed by some of the teachers, but the feeling by the school staff is that parents would rather not be involved. Parents are seen to trust in the school's judgment or not to be that interested in the special education process. Because of the lack of enthusiastic parental involvement, school staff members spend a considerable amount of time ensuring that parents have been offered opportunities for involvement by documenting phone and letter contacts, by requesting parents to sign waivers, and by requiring written consent. Since a number of children are currently awaiting evaluation services and special education services, it would appear that no special education services are delivered if the parents refuse to sign a parent permission form. There is an option for a surrogate: the LEA may appoint a surrogate parent to protect the child's interests when the parent "is not available." There is a formal procedure for hearings, although no hearings had been requested by parents.

The pervasive feeling among district and building staff is that it would require much effort to involve parents in the planning process. In other districts in the State, parents of handicapped children traditionally support the school through donations for materials and volunteer time; rapport is lacking in District B.3.

(2) The district is using due process to force parents to accept special education for their child.

The district feels that one of the strong points of P.L. 94-142 is that "it will allow the school system to provide an educational program for the children even though parents try to refuse the services." While the LEA is involved in a parent education program to inform interested parents about the special education program, they also see it as the school's responsibility to bring pressure to bear on unwilling parents of handicapped children (some of whom are out of school). There are several cases pending in which the LEA used the threat of further hearings or legal proceedings to pressure service for some handicapped children in need of special education services. In contrast to other LEAs, there is almost no worry on the part of the district personnel of a hearing procedure instituted by parents. On the other hand, the school's reading of the law is that the school shall have professional "jurisdiction" over handicapped children, confronting unwilling parents if necessary.

There is every indication that the LEA will proceed to set an example by forcing the issue of special education, especially for severely handicapped out-of-school children, and by encouraging parents who are not interested to opt out of the process early on, so that the school can carry out its educational responsibilities in an expeditious manner.

B. GENERAL CONSEQUENCES

There are five consequences identified in District B.3 which are of a general nature, cutting across many assurances.

1. Attitudes towards the law are improving with exposure to it.

During the first year of implementation, most aspects of law which placed requirements on the district to change policy and procedures were met with resistance. As the central office and building level personnel received more exposure to the law, attitudes improved. Contributing were observed benefits such as materials, staff, improved procedures, etc.; in-service of personnel on the law and special education in general; and applications of many of the feared requirements. Where attitudes are still poor, there is reason to believe that familiarity will correct it.

2. Special education is a top priority for the School Board.

It is probably safe to say that special education has never before experienced such a high priority by the School Board in this district. Two things contribute to this: a very dynamic and aggressive supervisor of special education and the elevated position given to special education by P.L. 94-142. The supervisor and his staff have been working very hard towards full implementation and compliance. The School Board takes pride in putting together the best possible program within their somewhat limited resources. There may be some concern on their part of potential loss of Federal funds if they do not comply, but regardless of their motivation they have commited tremendous local resources for buildings, renovations, staff, etc.

3. Central office special education staff is overworked.

It appears that in this district the central office special education staff is in need of additional staff, considering the high commitment to compliance and the calibre of teaching and support staff they can attract. Each year there is a tremendous turnover in personnel, many of whom are not trained in special education. The added responsibilities of the law compound the problems and interface with some of the supervisory responsibilities. Many of the special education teachers have voiced the opinion that they "would like more supervision with emphasis in line with accountability requirements." They go on to say that "it appears implementation of the law is taking up too much of the supervisor's time."

4. The district in involved in training personnel on the law and special education.

Orientation and in-service of personnel has been of prime importance to the district though many believe that the activities in this area should be greatly increased. There have been workshops on law and special education for regular teachers; training for librarians to facilitate assimilation into the library; and in-service for special education teachers on IEPs, report writing, and LEA policy and procedures. In addition, principals have taken leadership roles to orient teachers and students alike in regard to special education students, who were being brought back to the neighborhood schools.

5. Special education is receiving more instructional support.

P.L. 94-142 has given this district additional funds and motivation to increase instructional support in the areas of staff, materials, and equipment. The local district has also supplemented these funds. In the past, supplemental materials, much of which the teachers made themselves, were a rarity. For EMR and TMR students, they now receive $25 per child for materials. Most staff attribute the increased availability of instructional materials to the law.

There was concern that the funding of aides to help the special education teachers might cause some animosity between them and the regular teachers. Almost uniformly, however, the regular teachers do not begrudge the aides. Some have voiced the opinion that they also could use aides if funding should become available.